

GENERAL LAWS

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STATE OF INDIANA,

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TWENTY-FIFTH SESSION

OF THE

GENERAL ASSEMBLY.

BEGUN ON THE FIRST MONDAY IN DECEMBER, A. D. 1840

BY AUTHORITY.

INDIANAPOLIS:
DOUGLASS & NOEL, STATE PRINTERS.

1841.

PHANELY STATE AVAILUE

FINDIANA:

PASSED AT THE

DEGUN ON THE PIRET MONDAY IN DECEMBER, AL P. 1840

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conty-business shall proceed to dil the same as in other GENERAL LAWS.

CHAPTER I.

of the preceding year, notice thereon all transfers which

An Act to value the property of this State.

[APPROVED FEBRUARY 12, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Appraiser, how State of Indiana, That the Board doing county business appointed. of each and every organized county in this State, shall, at their first term after the passage of this act, appoint some suitable person, resident in such county, as appraiser of the real estate in such county; and if a vacancy shall vacancy, how at any time happen, in the office of appraiser as afore-filled. said, for any cause whatever, before the duties required of such appraiser shall be fully completed, then and in that case the said court, at any regular session or at any special session thereof, shall fill such vacancy; and the appraiser, so appointed, shall hold his office until the first day of March, 1842, if he shall so long behave well: Provided, That nothing in this section shall prevent the Assistant ap-Board doing county business of any county from appoint-praiser. ing an assistant to the appraiser, in case of sickness or other disability to discharge the duties of his office in the time required by law.

SEC. 2. That the appraiser so appointed, shall, pre-Bond and oath vious to entering on the duties of his said office, enter into bond with at least two good and sufficient securities, such as shall be approved by the county Board of such county, in the penal sum of two thousand dollars, which bond shall be made payable to the State of Indiana, conditioned that said appraiser shall do and perform all the duties of his office agreeably to law, which bond shall be deposited with the county auditor; and said appraisers shall moreover take and subscribe an oath or affirmation, to be endorsed on his bond, that he will faithfully and impartially perform the duties of his said office to the

best of his skill and ability.

SEC. 3. That if any person appointed appraiser as Failure to give aforesaid, shall not, within ten days after his appointment, bond. give bond and security, or shall not take the oath or affirmation as required in the preceding section, the said

office shall be considered vacant, and the Board doing county business shall proceed to fill the same as in other cases.

Duty of county auditor.

Sec. 4. That the County Auditor of each county shall. on or before the first day of April next, prepare a copy of the list of all lands and town lots entered on the duplicate of the preceding year, noting thereon all transfers which may have been made subsequent to the making out of such duplicate, and shall also enter thereon all new entries and other lands and town lots lying within his county, which may come to his knowledge, and not previously entered for taxation, which shall be delivered to the appraiser on application, together with a map of each township, and a plat of each town in the county, of such form and size as may be necessary to enable such appraiser to discharge his duties in the manner prescribed

Duty of apprai.

Sec. 5. That it shall be the duty of the appraiser, appointed in pursuance of the provisions of the first section of this act, immediately after the first Monday of May, and before the 25th day of September next, to proceed to list, and appraise all the real estate in his county subject by law to taxation as follows, to-wit:

Lands, how val-

1st. The said appraiser shall, upon actual view, make a true valuation of all lands, together with the improvements and buildings thereon or affixed thereto, at their full [value] in money, as he would appraise the same in the payment of a just debt due from a solvent debtor, taking into consideration the fertility and quality of the soil, the vicinity of the same to rail roads, McAdamized, clay, turnpike, state, or county roads, towns or villages, navigable rivers, water privileges on the same or in the vicinity of the same, the location of the route of any canal or canals, with any other local advantages of situation: Provided, That said appraiser shall also value all lands at their cash value, without taking into consideration any improvements that may be made thereon, and this valuation, as well as the valuation with improvements, shall be set down in a proper column to be left for that purpose.

Proviso.

Town lots.

2d. In-lots and out-lots in all towns and villages, with the improvements made thereon or affixed thereto, shall be valued at their [true] value in money, taking into consideration all the local advantages of situation; to be valued upon actual view of the premises.

List of lands &c. appraiser.

SEC. 6. That the appraiser shall call upon each and to be furnished every person resident in his county, for a list of all lands or town in-lots and out-lots, owned by such person or persons, lying within his county, which may be subject

to taxation, which list shall particularly set forth the names of the owner or owners, the number of acres of land in each particular tract, lot, section, or subdivision thereof, the range, township, section, quarter section, tract, lot, or part thereof, or the number of entry, location, or survey and water course, as the nature of the general or particular survey may require, so as to designate and identify the same; and in the French and English grants or Clark's grant shall set forth the quantity of land contained in the original survey, of which the tract listed is a part, subject to the provisions of the eighth section of this act, the number of entry, water course, and name of the original proprietor; also, all inlots and out-lots, owned or held as aforesaid, with the number thereof, as described on the recorded plat of said town, or part thereof, if it has been subdivided.

SEC. 7. That if the owner or owners of any property Duty of apprai. required to be listed and appraised by the preceding sec. sers where own tions of this act shall be absent on apple to give ers fail to furtions of this act, shall be absent or unable to give in a nish lists. list thereof, when called upon by the appraiser, or if the owner or owners thereof shall not reside within the county, or shall fail to deliver to such appraiser a list of his or their property as aforesaid, it shall be the duty of such appraiser to make a list thereof, according to the best information he can obtain, subject to the provisions of the eighth section of this act, in the name of the owner, if known, or in the name of the person to whom the same is now listed; but if it be not listed, and the owner's name be unknown, then it shall be noted, that the owner

is unknown, in the column of names.

SEC. S. That the appraiser in ascertaining or deter-quantity of land mining the quantity of land in the several tracts within in each tract, his country shall be a land in the several tracts within how determine his county, shall be governed by the following rules:ed. whenever the owner or the person in whose name it is listed, shall hold, by virtue of a deed from another party, or from the State of Indiana, or by patent from the United States for Congress lands, such deed or patent, if the quanty be therein stated, shall be taken and received as the evidence of the quantity in the tract described; but if such lands shall have been surveyed subsequent to the survey made by the United States, and it shall be proven to the satisfaction of the appraiser that any such tracts of land contain a greater or less quantity than is described in the patent or deed under which such lands are held, then the appraiser shall charge the owner with the true quantity as ascertained by such subsequent survey; if the owner or person in whose name any lands are listed within the French, English, or Clark's grant, shall hold, under an original entry or survey with or without the

patent thereon, it shall be the duty of the appraiser to

require said owners or holders to cause the same to be

surveyed by the county surveyor, or some other competent person, and to return the quantity under the certificate of said surveyor, attested by oath or affirmation, within sixty days after said owners or holders shall have been called upon to list their lands for taxation; and if any such owner or holder shall refuse, or neglect to survey and list his lands as herein provided, or if he or they be a non-resident of the county, then it shall be the duty of the appraiser to cause such lands to be surveyed and returned to himself; the expenses of which survey shall be paid from the county treasury, and be by the county auditor assessed against such lands in the succeeding year, and collected in the same manner as taxes are collected thereon: Provided, That if any owner or holder of lands has had the same previously surveyed, and shall produce to the appraiser a certificate of survey, other than that under the original entry of said lands, such survey shall be taken by the appraiser, as if the same had been made under the provisions of this act, or if the appraiser shall be satisfied, from other competent evidence adduced to him under oath, that the quantity returned is correct, and that no surplus exists in the original survey, he shall

taxation.

Sec. 9. That the appraiser shall, in listing and valuing to be marked on the lands in his county, mark distinctly on his maps, the name or the initials of the name, of the person in whose name the same is listed, and the quantity thereof; and on the return of said list by the appraiser, to the county auditor's office, it shall be the duty of the appraiser and auditor diligently to compare the maps, tract-books, and Duplicates, &c. duplicate of the preceding year with the lists returned by the appraiser, and ascertain, so far as may be in their power, that all the lands in their county subject to taxation, are entered on said list.

enter and return the same without further survey for

Value of land & improvements.

Sec. 10. That the appraiser shall complete his list taken as before provided, by placing on the same, opposite to each tract of land listed, the value without improvements, and also in another column opposite, the value of the improvements erected thereon or affixed thereto; and opposite to each town lot or part of lot, [the value of such lot or part of lot appraised, with the buildings and all other improvements erected thereon or affixed thereto.

Sec. 11. That the appraiser shall, at the time of making Notice to owner of valuation the appraisment, and taking the lists required by the preand of meeting ceding sections of this act, inform the owner or owners, of b'd of equal his, her or their agent or representative, if residing within ization

the county, or shall leave a memorandum at his, her, or their place of residence, of the amount at which their property has been appraised respectively, and of the time when the special board of equalization for the county, will meet for the purpose of hearing and determining grievances, and to equalize taxes within the same.

SEC. 12. That the appraiser shall, on or before the first Abstract to be Monday of November next, make out from the list and ap-made by appraises. praisements, taken and made as is herein before provided, a fair and correct abstract thereof, by townships, which abstract said appraiser shall deliver to the county auditor, which shall be kept at the office of said county auditor for the inspection of any owner of property contained on such abstract, until the third Monday of November aforesaid; and it shall be the duty of the county auditor to give Notice of meetfour weeks public notice, by advertisement in a newspa-ing of board of per, if one be printed in the county, or if no newspaper be equalization printed in the county, by advertisement set upon the door of the court house, and at some public place in each township, of the time and place, when and where, the special board of equalization for each county will meet for the purpose of hearing and determining grievances, and to equalize taxes thereon.

SEC. 13. That the Board doing county business, county special board of auditor and appraiser or appraisers of each county of this equalization, of State, shall constitute a special board of equalization, for ed, &c. such county, on the third Monday of November next, and Their duty. the county auditor shall produce to said board, the abstract returned to him by the appraiser; and said board, or a majority of them, shall have power to hear and determine the complaint of any owner or owners, his, her, or their agent, or representative of any property contained on said abstract, which may have been listed and appraised by such appraiser, relative to the listing and appraisal thereof, and to correct the same, as right and justice may require; and said board of equalization shall moreover have power to equalize the valuations made by such appraiser as herein before provided, either by adding to or deducting from any valuation made as aforesaid, such sum as to them, or a majority of them, shall appear just and equitable.

SEC. 14. That the county auditors of the several coun-county auditor ties shall correct the said abstract, agreeably to the or-to correct and ders and determinations of the board of equalization for stract, and for. their respective counties, and said county auditor shall ward to auditor make, from such corrected abstract, a general abstract of State. of all property contained therein, and insert the corrected valuation in the proper column; which general abstract, said auditor shall certify and forward to the audi-

Name of owner

Proviso.

tor of State, by the county treasurer of his county, at the time he is required by law to make his annual settlement with the State treasurer, or by some suitable person, on or before the 15th day of January, 1842.

State board of equalization.

Sec. 15. That there shall be elected by joint resolution of both houses during the present session of the General Assembly, one person resident of each judicial circuit, who, together with the auditor of State, shall constitute a board of equalization for the State, which board shall assemble at Indianapolis, on the fourth Monday of January, 1842; and should any of said board of equalization not meet, at the time specified, it shall be the duty of such as shall meet, to appoint suitable persons from the several circuits, to fill the places of such as may not be present, and when so met, shall have power to equalize the valuation of real estate in the several counties throughout the State, which they shall do, by adding to, or deducting from the valuation thereof made by the appraiser, and corrected by the county board of equalization, as herein before provided for, by adding to, or deducting from, such per centum as to them shall appear just and reasonable: Provided, Said board shall not lessen the aggregate valuation of the State.

Duty of auditor

Sec. 16. That the auditor of State shall make a record of the per centum, to be added to, or deducted from the valuation of the real property in the several counties of this State, in conformity with the orders of the State board of equalization, and shall transmit to the county auditors of the several counties of this State, the per centum so ordered, to be added to, or deducted from, the valuation of real property therein, as aforesaid; and the several county auditors in whose counties additions or deductions shall have been made, by the State board of equalization, shall correct the valuation of real property therein, in conformity therewith: Provided, That said county auditors, in correcting the valuations aforesaid, shall set down no fraction of a dollar; but if a fraction occurs of fifty cents and upwards, such fraction shall be increased to one dollar, and if such fraction be less than fifty cents, it shall be omitted.

County auditor to correct valua-

Duty of county

eates.

Sec. 17. That the county auditors of the several auditors in mak-counties within this State, in making out duplicates and charging taxes thereon, for the year one thousand eight hundred and forty-two, and annually thereafter, shall make out and charge the same from the general abstract

as herein before provided.

Sec. 18. That the Board doing county business, coun-County board Equalization, of ty auditor and county assessor, shall constitute a county whom composed board of equalization, in the respective counties, and

they, or a majority of them, shall meet on the first Monday of June, one thousand eight hundred and forty-two, and annually thereafter, for the purpose of hearing complaints and equalizing the assessments, and re-valuations of all real and personal property within such county; Provided, That said board shall, in no case, reduce the aggregate value of real property within such county, as originally assessed by the state board of equalization.

SEC. 19. That the appraiser in each county appoint- Compensation. ed, in conformity with this act, shall receive for each day he shall be employed, in performing the duties herein required of him, the sum of two dollars; and the county auditor, appraiser, and the county commissioners when acting as the members of the special board of equalization, for the several counties, shall receive the sum of two dollars for each day they shall respectively be employed in the discharge of the duties required of them, by this act, [*to be paid out of the respective county treasuries; the members of the state board of equalization, shall receive the sum of two dollars for each day they shall respectively be employed in the discharge of the duties required of them, by this act] and also the sum of two dollars for every twenty-five miles travel, to and from the seat of government, to be certified by the governor, and paid out of the state treasury, on the order of the auditor of state.

SEC. 20. Should the board doing county business ne-Appraiser may glect or refuse to appoint the county appraiser as provi-be appointed at ded for in the first coation of this ded for in the first section of this act, at their first meet-county board. ing after the passage of this act, then said board shall appoint said appraiser at any regular or special term or meeting of said board.

SEC. 21. That all the duties enjoined upon the county Clerks of county auditor in this act shall continue to be discharged by the to do duties unclerbe of the mornesting continue to be discharged by the til auditor shall clerks of the respective counties, until a county auditor be elected. is elected and qualified, and when so elected and qualified such clerk shall hand over to him all books, papers, and vouchers necessary to the discharge of the duties of his office. Provided, That nothing in this act shall be so con-Proviso. strued as to prevent the clerks of the several counties from performing the duties of the county auditor wherein the number of polls does not exceed twelve hundred and

SEC. 22. Whenever the county auditor, and in case county auditor there be no auditor, then the clerk of the county, shall may convene deem it essential to the public interest, he shall have pow-county board.

Note-The words here inserted in brackets [thus] are taken from the engrossed bill.

WM. SHEETS, Sec'y of State.

er, at any time, and it is hereby made his duty, to call a special session of the board doing county business.

This act to take effect and be in force from and after its passage.

of all real and personal property withmy such country

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Provided, That said board shall, in no cuse, reduce the segregate value of real property within such county, as

An Act prescribing the duties of County Auditor.

[APPROVED FEBRUARY 12, 1841.]

County Auditor, how elected.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be elected by the qualified electors of each organized county in this State, on the first Monday in August next, one county auditor for each county, who shall hold his office until the first Monday of March, 1846; and on the first Monday in August, 1845, and every fifth year thereafter, there shall, in the same manner, be elected one county auditor for each county, who shall hold his office for five years from the first Monday of March next succeeding his election, and until his successor is elected and qualified, and shall keep his office at the seat of justice of his county.

Bond and oath.

SEC. 2. That the county auditor, previous to entering on the duties of his office, shall give bond with two or more securities, to the acceptance of the board doing county business of the proper county, in the penal sum of two thousand dollars, payable to the State of Indiana, and conditioned for the faithful discharge of the duties of his office; and shall also take and subscribe an oath or affirmation, to be endorsed on said bond, that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability; which bond, so endorsed, shall be deposited with the county treasurer, and be by him carefully preserved.

Suit on bond.

SEC. 3. That suit may be instituted on such bond, against the county auditor and his securities, in the name of the State of Indiana, and for the use of the State, county, or any party or person injured by the misconduct in office of the auditor, or by the omission of any duty required of him by law.

Failure to give bond, vacates office. SEC. 4. That if any person elected to the office of county auditor shall not give bond, and take the oath or affirmation as required in the second section of this act, on or before the first Monday of March next after his

election, the office shall be considered vacant: *Provided*, the first auditor elected under the provisions of this act, shall give bond as aforesaid, on or before the first Monday of September after his election.

SEC. 5. That when a vacancy shall happen in the vacancy. office of county auditor, either from death, removal out of the county, resignation, failure to give bond, or from any other cause, the board doing business of the proper county shall appoint some suitable person to fill such vacancy, and the person so appointed shall give bond, and take and subscribe an oath or affirmation, as required in the second section of this act, and shall hold his office until the next annual election, to be held in such county, and until his successor shall be elected and qualified.

SEC. 6. That when any county auditor, having no Pro tem. app't deputy, shall be unable, by reason of sickness, to perform when made. the duties of his office, within the time specified by law for their performance, or when both the auditor and his deputy shall be so disabled by sickness, the board doing county business of the proper county, shall appoint some suitable person to do and perform the duties of county auditor, during such disability, and may require of the person so appointed, such bond and security, for the faithful discharge of the duties of the appointment, as they shall deem expedient.

SEC. 7. That the county auditors and their deputies, May administer are hereby authorized to administer any oath or affirma-oaths. tion rendered necessary to the performance of any of the duties of their respective offices.

SEC. 8. That the county auditor shall, by virtue of Exometo crit of his office, be clerk to the board of county commissioners city board: of his county, and shall keep an accurate record of all their corporate proceedings, and shall carefully preserve all the documents, books, records, maps, and other papers, required to be deposited or kept in his office.

SEC. 9. That each county auditor, on going out of Books, etc. deoffice, shall deliver up to his successor in office, all the livered to sucbooks, records, maps, documents, papers, vouchers, and
cother property in his hands, belonging to the county; and
in case of the death of any county auditor, his personal
representative shall, in like manner, deliver up all such
books, records, maps, documents, and other property.

SEC. 10. That the county auditor shall keep an accu-Account current rate account current, with the treasurer of his county; with treasurer, and when any person shall deposite with the auditor, any receipt given by the treasurer, for any money paid into the treasury, the auditor shall file such receipt in his office, and shall charge the treasurer with the amount thereof.

Claims against ct'y settled.

SEC. 11. That all accounts, debts, and demands, justly chargeable against any county, and which are not directed by law to be settled and allowed by some other person or tribunal, shall be examined and settled by the auditor of such county; and for all such just accounts, debts, and demands, settled and allowed by the auditor, or settled or allowed by any other person or tribunal, authorized by law to do so, and for all demands against such county, the amount of which is fixed by law, the county auditor shall issue orders on the treasury of such county, payable to the several persons entitled thereto; and all such orders shall be progressively numbered, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, shall, at the time of issuing the same, be entered in a book to be kept by the auditor for that purpose.

Deliver schedule

SEC. 12. That the county auditor shall annually, on of lands, &c. to or before the first day of March, make out and deliver to the assessor of his county, on demand, a schedule of all lands and town lots within his county, which are found from his knowledge, or from certificate from the auditor of state, to have become subject to taxation, and which have not been assessed for that purpose, directing such assessor to assess the same, and make return thereof to him, on or before the first day of June next succeeding.

Duty in case of partition of

SEC. 13. That when an alteration of any list entered on the grand levy, may become necessary, by reason of the partition of any tract of land or town lot, the county auditor, on receiving information thereof, shall transfer to the several parties in partition the portion set apart to him, her, or them, particularly describing the parts so transferred, and shall apportion and transfer the valuation of such land or town lot to the several parties, in proportion to their respective interest therein, previous to such partition.

Transfer in case

Sec. 14. That when any county auditor shall be satisfied, that the transfer of any land or town lot, or any part thereof, has become necessary by reason of a sale thereof, or any part thereof, for taxes, a sale by a sheriff or other officer, by virtue of an execution, order of court, or decree in chancery, or by reason of devise or descent, he shall make such transfer; and in such case, if a part only of a tract of land or town lot shall be transferred, the proportion of the valuation to be transferred therewith, shall be ascertained by the county assessor; and for that purpose the auditor shall furnish the assessor with a list of such lands and town lots, at the time specified in the twelfth section of this act, for delivering the schedule therein named.

SEC. 15. When the transfer of any land or town lot, or upon what eviany part thereof, shall become necessary by reason of a sale dence made. or conveyance by deed, and such conveyance shall be for the entire tract or lot, or part thereof, as charged on the duplicate, such transfer shall be made by the county auditor, upon presentation of such deed, by the purchaser or his agent, and in case such conveyance shall be for less than the whole tract or lot, or part thereof, as charged on the duplicate, said county auditor shall transfer the same, whenever the seller and purchaser shall agree thereto, in writing, signed by them, or personally, before the auditor shall agree upon the amount of valuation to be transferred therewith; but if the seller and purchaser cannot agree as to the amount of valuation to be transferred, the auditor shall place said portion of land or lot on the list, to be by him made, according to the twelfth section of this act, and the value thereof shall be ascertained and returned by the assessor, in the same time and manner of other lands contained in such list; and such auditor shall endorse on all deeds, purporting to be deeds of unconditional conveyance of real estate, which may be presented to him, (or transfer the evidence in writing, with his signature thereto,) of the proper entry of such transfer having been made according to law, in his office, unless the same shall be for lands not entered for taxation on the books of the county auditor, in which case he shall endorse thereon, "not entered for taxation;" and it shall be the duty of each county recorder, before recording such deeds, to require the endorsement to be made as aforesaid, at the expense of the party interested: Provided, That Duty of recorder if the county auditor shall be satisfied that the proportion of the valuation so agreed to be transferred, is greater than the proportional value of the land or lot to be transferred therewith, and that such agreement was made by collusion of the parties, and with a view fraudulently to evade the payment of any taxes, which might legally be assessed on the entire tract or lot, he may refuse to make such transfer; and when any such tranfer has already been procured by such fraudulent agreement, the same shall be cancelled by the auditor, and the land or lot so transferred shall be charged with taxes in the same manner as though such transfer had not been made.

SEC. 16. That the county auditor, in order to the per-Auditor may ex. formance of the duties herein required of him, shall, amine recorder's at all reasonable times, have a right to examine the records of deeds in his county, free of charge.

SEC. 17. That the county auditor of each county shall, Make dupliannually, between the first Monday in June and the fif-cates.

teenth day of August, make out a duplicate of taxes assessed in such county, according to the forms which shall be furnished by the auditor of state; and in doing so, he shall enter, first, all lands in each civil township, with the name of the owners, in alphabetical order, the value of the land without improvements, and opposite this, the value of the improvements, and opposite this in another column, the value of such land with improvements. Next in like order, he shall enter all town in-lots and out-lots, with the improvements thereon, situated in such township; and in their place all corporation stock (except bank stock) and the fourth place all personal property which is or shall hereafter be made subject to taxation by the laws of this state, and which shall be charged, together with the poll tax, in the civil township where the owner resides; and he shall number each organized township in regular progression, as the same shall stand entered on his duplicate, and the same township shall retain the same

number from year to year.

SEC. 18. The county auditor, making out such duplicate, shall be careful to enter thereon all the lands and town-lots previously entered for taxation, with the valuation thereof, as heretofore assessed; and all such lands and town lots, as by mistake or neglect shall have been previously omitted to be entered on the tax duplicate; also, all such lands and town lots, as shall be found to have become subject to taxation, as provided in the twelfth section of this act, with such valuation as shall be affixed thereto by the county assessor; and he shall enter the corporation stock and personal property according to the list of the assessor, returned next previous to the making of such duplicate, giving a pertinent description of all property thus entered on his duplicate, and taking special care to enter in the proper place, and in the proper names, all lands and town lots which shall have been transferred in his office, subsequent to the assessment of the taxes for the previous year; and also taking special care to notice and carry into effect all alterations which shall be made in the assessor's list, by the board of equalization for the county.

Sec. 19. That when any building or personal property, assessed and entered for taxation, shall be consumed by fire, or otherwise destroyed, the auditor shall strike the same from his duplicate, or deduct the proper proportion from the valuation of land or lot or personal property with which the same may stand charged on such duplicate.

SEC. 20. That the auditor shall charge on the valuation of the property on such duplicate, the state, county, [and] road tax, in separate columns, and shall carry the same, together with the amount of poll tax assessed for

state and county purposes, out into a column of totals; and said auditor shall apportion, at the end of his duplicate, the amount of such assessment belonging to state, county, and road purposes, according to the per centum of taxation allotted to each; and he shall, by way of recapitulation, at the close of the duplicate, make out the footings of the several townships, so as to show distinctly the number of acres of land charged on the duplicate, the valuation of such land without improvements, the value of the improvements, and the value of such land including improvements, the valuation of town lots and the improvements thereon, the valuation of all corporation stock, (bank stock excepted,) and the valuation of all personal property, which by law is taxable, and entered upon such duplicate.

SEC. 21. That the county auditor, in making such Delinquent taxduplicate, shall charge on all lands and town lots, returned es. delinquent by the county treasurer in January next preceding, and on which the taxes shall not have been paid into the state treasury, and such payment certified by the auditor of state to the county auditor, the delinquent taxes and the interest thereon, together with a penalty of twenty-five per centum on such taxes, and shall add

thereto the taxes of the current year.

SEC. 22. That the county auditor shall make a com- Copy duplicate. plete copy of such duplicate, and deliver either the original or such copy to the county treasurer of his county, on or before the fifteenth day of August; and shall make out and transmit by mail, on or before the first day of October, in every year, to the auditor of state, a complete abstract of all the property listed in said county for taxation, as the same appears in the recapitulation, showing the amount of each kind of property taxed, and the assessed value thereof, with the amount of each kind of tax in each township, and the aggregate thereof in the county, and also certifying the rate of each kind of tax levied.

SEC. 23. Any county auditor who shall fail to make Penalty for failsuch return, under the direction of the auditor of state, ing to report to by the day above required, or in case such return shall have miscarried, shall be required anew by the auditor of state to furnish such statement by the first day of November, in the same year, and any county auditor who shall fail, as above required, to transmit such report by the first day of October annually, shall forfeit and pay to the state of Indiana the sum of one hundred dollars, and when so failing, if he shall in like manner fail, when so required by the auditor of state, to furnish by the first Monday of November, in the same year, such report as above set forth, he shall in like manner forfeit and pay the further

Building, &c. consumed, stricken from duplicate.

Directions.

sum of one hundred dollars; which fines and forfeitures the auditor of state shall forthwith direct the prosecuting attorney of the proper county to sue for and collect; and when so collected shall be paid over to the county treasurer, who shall give duplicate receipts, one of which shall be deposited by such collecting officer with the county auditor; which fines and forfeitures shall be for the use of the proper county seminary, to be drawn on the auditor's order.

Correct dupli-

Sec. 24. That the county auditor shall, from time to time, correct all errors which he shall discover in his duplicate, either in the name of the person charged with taxes, the description of land or other property, or in the amount of such tax; and when the auditor is satisfied, and after having delivered the duplicate to the county treasurer for collection, that any tax thereon, or any part thereof, has been erroneously or improperly charged, he may give to the person charged therewith a certificate to that effect, to be presented to said treasurer.

Notice as to road tax.

SEC. 25. That the auditor of each county in which any road tax shall be assessed, shall, immediately after the board doing county business at their June session, shall have determined on the amount to be assessed for that purpose, give notice in some newspaper of general circulation in the county, or by three written notices posted up in each township in said county, of the per centum on each hundred dollars of valuation so determined to be assessed, and that the said tax may be discharged by labor on the roads under the direction of the supervisors of the several districts at the rate of seventyfive cents per day; and shall, when required, make out a list for each supervisor's district, of the amount of road tax with which each individual within his bounds stands charged, inserting nothing in said list but the name of the person, and the amount of such tax, and deliver the same to the sheriff to be handed by him to the supervisor of the proper district.

Settlement with treasurer.

SEC. 26. That the county auditor shall attend at his office, on the second Monday in January, annually, to make settlement with the treasurer of his county, and ascertain the amount of taxes with which such treasurer is to stand charged; and the auditor shall then take from the duplicate, previously put into the hands of the treasurer for collection, a list of all such taxes as such treasurer shall have been unable to collect, therein describing the property on which such delinquent taxes are charged, as the same is described on such duplicate, and shall note thereon, in a marginal column, the several reasons assigned by such treasurer, why such taxes could not be collected; and such list shall be signed by the treasurer, who shall testify to the correctness thereof, under oath or affirmation, to be administered by the auditor; and in making such list, the delinquencies of each township shall be kept separate and distinct; and after deducting the amount of taxes so returned delinquent, and the collection fees allowed the treasurer, and from the several taxes charged on the duplicate, in a just and ratable proportion, the treasurer shall be held liable for the balance of such taxes; and the auditor shall certify, in such manner as the auditor of state may direct, the balance due to the state, the balance due to the county, and the balance due for road purposes, and the balance due to the townships, and shall forthwith record such list of delinquences in his office, and deliver the same to the treasurer, to be by him delivered to the auditor of state.

SEC. 27. That the county auditor shall open an ac-Accounts with count with each supervisor of roads, and shall immedi-supervisors. ately after his annual settlement with the county treasurer in January, give to such supervisor, on application at his office, an order to the county treasury, for such amount of road tax as has been collected in his district, together with such amount as shall, from time to time, be drawn from the state treasury, as road tax collected on the duplicate at the state treasury, as certified to him by the auditor of state. He shall also keep separate With all county accounts with all county officers, and under proper heads officers. the receipts and disbursements, on account of the county, so as not only to show the different heads of receipts and disbursements, but to show the whole amount under one general head or cash account. The forms of such books of accounts shall be furnished by the auditor of state to the auditor of the county, if requested by such county auditor.

SEC. 28. That the county auditor shall, annually, be-Delinquent list. fore the first day of October, make out and record, in a book to be provided for that purpose, a list of all lands and town lots returned delinquent by the county treasurer, in the preceding January, (excepting those on which the taxes shall have been paid into the state treasury, and such payment certified to the county auditor by the auditor of state,) describing said lands and town lots in said list, as the same are described on the tax duplicate, and charging them in the taxes of the preceding year with the interest, and a penalty of twenty-five per centum on such taxes, also the taxes of the current year, and shall certify the correctness thereof, the date at which the same was recorded, and sign the same officially.

SEC. 29. That the au ditor shall cause such delinquent Publication of

list to be published, at least four weeks, between the fifteenth day of October and the twenty-fifth day of December, in some newspaper printed in his county, if any be printed therein, and if none be printed therein, then in some newspaper having general circulation in such county, or by three written notices, posted up in each township of said county, to which list there shall be attached a notice, that the whole of the several tracts of land and town lots in said list contained, or so much thereof as will be necessary to pay the taxes, interest, and penalty charged thereon, will be sold at the court-house, in such county, on the first Monday in January, next thereafter, by the county treasurer, unless such taxes, interest, and penalty be paid before that time.

Notice &c. en-

SEC. 30. The county auditor shall, on or before the tered on record. day of sale mentioned in such notice, insert, at the foot of the record, on said delinquent list, a copy of such notice, and shall moreover certify on said record, immediately following such notice, the name of the paper, and the length of time such list and notice were published therein.

Treasurer to sell Sec. 31. That the county treasurer, or his deputy, land for non-shall attend at the court-house in his county, on the first Monday in January in conformity with the notice aforesaid, and shall then and there, at and after the hour of ten in the forenoon, proceed to offer for sale, separately, each tract of land or town lot, contained in the advertisement aforesaid, and on which the taxes, interest, and penalty have not been paid; and the person or persons offering, at said sale, to pay the taxes, interest, and penalty charged on such land or lot, for the least quantity thereof, shall be the purchaser or purchasers of such quantity; and the treasurer shall continue such sale from day to day, until each tract of land or town lot contained in such advertisement, and on which the taxes, interest, and penalty remain unpaid, shall be sold or offered for sale.

Re sale.

Sec. 32. That the person or persons purchasing such tract of land or town lot, or any part thereof, shall forthwith pay to the treasurer the amount of taxes, interest, and penalty charged thereon; and on failure so to do, the treasurer shall immediately offer said land or town lot again for sale, in the same manner as if no such sale had been made; and the person so failing to make payment, shall forfeit and pay a penalty of twenty-five per centum on the amount of said tax, interest, and penalty to be recovered by an action of debt, in the name of the treasurer, for the use of the county, before any justice of the peace or court having jurisdiction thereof, for the use of the county seminary.

Sec. 33. That the county Auditor, or his deputy, shall Auditor attend attend all such sales of delinquent lands and lots made sale &c. by the treasurer of his county, and shall make a record thereof in a substantial book, therein describing the several tracts of land and town lots offered for sale, as the same shall have been described in the advertisement aforesaid, and stating how much of each tract or town lot was sold, and to whom sold; and if any tract or lot shall remain unsold for want of bidders, he shall so enter it on the record; and the auditor shall make out and certify a copy of said record, and forward the same to the auditor of state, by the county treasurer, at the time such treasurer makes his annual return of state tax, in January next after such sale. To de bollspor on accorne

SEC. 34. That the auditor shall make out and deliver to the purchaser of any land or lots, sold for delinquent taxes certificate of as aforesaid, a certificate of purchase, therein describing purchase. the land or lots so sold, as the same was described in the tax duplicate, and stating therein the amount of taxes, interest, and penalty for which the same was sold; and if only a part of a tract be sold, such certificate shall specify ve sizel and a the quantity sold, and shall be directed to the county surveyor, whose duty it shall be, when requested by the purchaser, his assinee or heirs, to lay off, by metes and bounds, in a square, as near as practicable, at the most north-westerly corner of the tract from which the sale was made, vehicle shand the quantity so sold; and if the sale be made from in-lot or out-lot in any town, or from any particular part thereof, buty of county it shall be the duty of the county surveyor so to lay off the surveyor. part or portion sold, that it shall extend from the main or principal street, road, or alley, which may be [the] most convenient front to such lot, to the rear of the lot, and to bound the same by lines, as nearly parallel with the outlines of such lot as practicable. The add distributed and basel

SEC. 35. That no deed shall be made by the county auditor, for any land or lot sold as aforesaid, for taxes, until Deed. the expiration of two years, from and after such sale, nor shall the survey thereof, required by the certificate of purchase, be made until the expiration of that time.

SEC. 36. That said certificates of purchase shall be assignable in law; and an assignment thereof, shall vest in Certificate as. the assignee, or his legal representatives, all the right and signable. title of the original purchaser.

SEC. 37. That at any time after the lapse of two years from the time of such sale for taxes, if the land or lot so Deed. sold shall not have been redeemed, the county auditor, or any of his successors in office, shall, on request, and on production of the certificate of purchase, and in case of

the sale of part only of a tract of land or lot, on production of the county surveyor's return of a survey, in conformity with the requisitions of such certificate, execute and deliver to the purchaser, his heirs or assignee, as the case may be, a deed of conveyance for the tract of land or town lot, or such part thereof as shall have been sold as aforesaid: Provided, when two or more parcels of the same tract or lot of land, have been or shall hereafter be sold for the non-payment of taxes, to the same purchaser or purchasers, it shall be the duty of the county auditor, on production of the certificates of the purchaser, or on production of the county surveyor's return of surveys thereof, in conformity with said certificates, when such surveys are required, to execute and deliver one deed of conveyance of the several parcels so sold, to the purchaser or purchasers, his or their heirs or assignees, which deed, so executed or delivered, shall vest in the grantee or grantees, his, her, or their heirs or assigns, the same title, both in law and equity, as if the several deeds for each and every parcel so sold, were or had been executed.

Prima facie evideace of title.

SEC. 38. That the deed so made by the auditor, shall vest in the grantee, his or her heirs and assigns, a good and valid title, both in law and equity, and shall be received in all courts as prima facie evidence of a good and valid title in such grantee, his heirs and assigns.

Lands held by joint tenants.

SEC. 39. That the purchaser, at a sale of lands or lots for taxes, of the interest of any joint tenant, tenant in common, or co-partner, or of any part or portion of such interest, shall, on obtaining the deed from the auditor, for the part or portion so by him purchased, hold the same as tenant in common with the other proprietor or proprietors of such land or lot, and be entitled to all the privileges of a tenant in common, until legal partition of such land or lot shall be made.

Lien of State transferred.

Irregularity of

Sec. 40. That upon the sale of any land or town lot for delinquent taxes, the lien which the state has thereon for taxes then due, shall be transferred to the purchaser at such sale; and if such sale shall prove to be invalid, on account of any irregularity in the proceedings of any officer having any duty to perform in relation thereto, the purchaser, at such sale, shall be entitled to receive from the proprietor of such land or lot, the amount of the taxes, interest, and penalty legally due thereon, at the time of such sale, with interest thereon, from the time of payment thereof, and the amount of taxes paid thereon by the purchaser, subsequent to such sale, and such land or lot shall be bound for the payment thereof. production of the certificate of purchase, and in case of

Sec. 41. That no sale of any land or town lot, for de-wrong name linquent taxes, shall be considered invalid, on account of not to invalidate its having been charged on the duplicate in any other name than that of the rightful owner: Provided, That such land or lot be, in other respects, sufficiently described on the duplicate, and the taxes, for which the same is sold, be due and unpaid at the time of such sale.

SEC. 42. That when, by the provisions of any former peeds under forlaw, the collector of taxes or the county treasurer was au-mer law, how to thorized to make deeds for lands or lots by them sold, for delinquent taxes, and the same has not been done, the county auditor of the proper county shall be, and he is hereby authorized, to make such deeds to all persons entitled thereto; and the deeds which shall be so made by the auditor, shall be as good and valid in law, as if made by the person authorized, under such former law, to make them.

SEC. 43. That in case any certificate or certificates Lost certificate. shall have been at any time issued, to any purchaser or purchasers of lands for taxes, under any of the acts heretofore passed on that subject, which certificate or certificates having been mislaid, destroyed, or lost, and that fact being shown to the county auditor, and no deed or deeds having been executed therefor, said auditor being fully satisfied from evidence, of the existence and loss of any such certificate or certificates, shall, on application for that purpose, proceed to make and execute to such purchaser or purchasers, a good and sufficient deed or deeds of conveyance, for any such tract or tracts of land, which deed or deeds shall be as good and valid in law, to all intents and purposes as if such certificate or certificates had not been mislaid, lost, or destroved.

SEC. 44. That the county auditor shall enter, in a Minute of deeds, book, to be kept in his office, a minute of all deeds by him made for lands and town lots, or parts thereof, sold for taxes, therein naming the person who stood charged with the taxes at the time of such sale, and the date of the sale, the name of the purchaser, a brief description of the land or lot so sold, quantity sold, the amount for which the same was sold, the name of the grantee in the

deed, and the date of its execution.

SEC. 45. When any tract or portion of land, town lot, Land redeemed. or part thereof, shall be sold for taxes, and afterwards redeemed, it shall be the duty of the county auditor to insert a minute of such redemption, the date thereof, and by whom made, on his record of sales of land for delinquent taxes, and sign the same officially.

SEC. 46. That every tract of land and town lot, offer-

to forfeit to state.

flands not sold ed for sale by the treasurer, as hereinbefore provided, and not sold for want of bidders, shall be and the same is hereby declared to be forfeited to the state of Indiana; and thenceforth all the right, title, claim and interest of the former owner or owners thereof, shall be considered as transferred to, and vested in said state, to be disposed of, as the legislature may by law direct; and the county auditor shall annually, return by his treasurer, a separate list of all lands or town lots so forfeited, with the description thereof, and the amount of tax due thereon. to the auditor of state; and all such lands or lots shall be preserved on the duplicates until sold or redeemed, and the taxes thereon regularly assessed, in the name of the state of Indiana, which taxes shall be returned, annually, by the treasurer as delinquencies, and credited to him as other delinquencies, in his settlement.

quish, when.

Sec. 47. That if the former owner or owners of any tract of land or town lot, which may be forfeited as aforesaid, shall, at any time before the state shall have disposed of such land or lot, which shall not be for a less time than five years from such forfeiture, pay into the county treasury of the county in which such land or lot may be situated, or into the state treasury, all the taxes, interest and penalties due thereon, at the time of such forfeiture. together with the taxes, interest, and penalties, which have since accrued on such land or lot, which sum shall be ascertained and certified by the auditor, the state shall, in such case, relinquish to such former owner or owners, all claim to such land or lot, and the county auditor shall then re-enter such land or lot on his duplicate, with the name of the proper owner or owners.

Duty of auditor as to relinquished lands redeemed.

SEC. 48. That the county auditor shall charge the county treasurer with all moneys by him received, under the provisions of the preceding section; and shall make out an annual list of lands and town lots, upon which payment shall have been made as aforesaid, specifying therein the proportion of such money belonging to the state; and shall forward said list to the auditor of state, by the county treasurer, at the time of paying over the state tax, in January; and the county treasurer shall pay into the state treasury, the state's proportion of such money, at the time he pays the other taxes due the state.

SEC. 49. That the auditor of state shall, from time to time, furnish the several county auditors with all such forms and instructions as he may wish them to pursue, in the performance of their several duties, and the said auditors shall observe them accordingly.

Erroneous sale.

Sec. 50. That if the taxes charged on any land or lot be regularly paid, and such land erroneously returned

delinquent, and sold for taxes, the sale thereof shall be void; and the money paid by the purchaser, at such void sale, shall be refunded to him out of the county treasury on the order of the county auditor; and that so much of said tax as has been paid into the state treasury, shall be refunded to the county treasury; and the county auditor shall retain the same in his next annual settlement, and charge the state treasury therewith, in said settlement.

SEC. 51. That the county auditor of the county in Deeds. which any land or town lot shall have been, or may hereafter be sold for taxes, under the provisions of this act, is hereby authorized and required to execute the proper deed therefor, to the person or persons entitled to receive the same, whether the said land or town lot shall, at the time of the execution of said deed, continue to be within said county or not, in the same manner as though the said land or town lot still remained within the limits thereof, any law to the contrary notwithstanding.

SEC. 52. That each county auditor shall receive for Fees. his services the following fees and compensation; for making out the duplicates of state and county tax, and the lists of the delinquent taxes, for every sheet of one hundred words, provided that three figures shall be counted as one word, ten cents; making out copies of duplicates required by law, for each one hundred words to be computed as before, eight cents; recording proceedings of board doing county business, or other record, and entering the accounts necessary to be made or kept in his office, for every one hundred words, ten cents; for every order on the county treasury, six and one-fourth cents; for every entry and transfer of land for taxation, twelve and onehalf cents, to be paid by the person requesting such transfer; for making a deed for any land or town lot sold for taxes, one dollar, to be paid by the person receiving such deed; and for all other services required of said auditor by law, or now required of the clerks of the board doing county business, any sum not exceeding fifty dollars per annum; which together with all other fees now allowed clerks of board doing county business, and not otherwise provided for by this act, shall be paid out of the county treasury on the order of the board doing county business, and not otherwise: Provided, Said board doing county business shall in no case give an order to said auditor for fees, but upon an account made out and sworn to by said auditor, which shall be filed in the office of the treasurer of said county: And Provided, further, That the board doing county business, shall if they be of the opinion that the auditor of their county cannot under this act, receive a sufficient compensation for the services by him render-

ed, they are authorized and required to allow him such further sum as they may deem just and reasonable, to be paid out of the county treasury, on the order of said board doing county business.

Clerks.

SEC. 53. All the duties enjoined upon the auditors of counties in this act, shall continue to be discharged by the clerks until county auditors are elected, and qualified according to the provisions of this act; and when thus elected and qualified, they shall receive from the clerk of his county all books, papers, vouchers and accounts which pertain to the business of the county.

Duties, &c. de. volve on audi-

Sec. 54. That all duties heretofore enjoined upon clerks of counties, in relation to county business, the receipts and disbursements of county funds, shall be discharged by county auditors after their election, and they are qualified according to the provisions of this act; and the same fees allowed to clerks for such services, shall be allowed to county auditors, payable in the same manner as heretofore paid to clerks.

Redemption.

Sec. 55. That all lands or town lots, which may be hereafter sold, under the provisions of this act, for the taxes, interest, and penalties due and remaining unpaid thereon, may be redeemed by the owner, or owners thereof, within two years, from and after the day of sale; he, she, or they paying to the purchaser, his, her, or their assignee, the amount for which said lands or town lots were sold, with the addition of fifty per cent. thereon, together with the amount of taxes paid by said purchaser, or assignee, after his said purchase: Provided, That infants, idiots, femes covert, and insane persons, who are owners, or claimants of lands or town lots, which may have been sold as aforesaid, shall, within two years after such sale, or such disability be removed, be permitted to redeem the same, by discharging the demands to which they are liable by virtue of the provisions of this act.

Repeal.

Sec. 56. That all acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed: Provided, Such repeal shall not affect any rights acquired, or liabilities, or obligations incurred under any of their provisions.

This act to take effect and be in force from and after

its passage.

Sec. 5. That whonever the board doing county busicames out that no CHAPTER III. white or is a son

assessor will be unable to perform all the duties required An Act for the election of county assessor.

[Approved, February 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be elected on the first Election blenni. Monday in August, biennially, by the qualified electors ally. in each organized county in this state, one county assessor for each county, who shall hold his office for two years from the day of his election and until his successor is elected and qualified; and shall do and perform all such duties as now are or hereafter may be required of him by law.

SEC. 2. That the county assessor, previous to entering Bond and oath. on the duties of his office, shall give bond, with two or more freehold securities to the acceptance of the board doing county business, in the penal sum of two thousand. dollars, payable to the state of Indiana, and conditioned for the faithful and impartial discharge of the duties of his office according to law; and shall take and subscribe an oath or affirmation to be endorsed on his bond, that he will faithfully and impartially discharge the duties of his said office to the best of his skill and ability; and the bond so endorsed shall be deposited with the county treasurer, and by him carefully preserved.

SEC. 3. That if any county assessor shall not give Failing to give bond and security, or shall not take the oath or affirma-bond. tion as required in the preceding section, on or before the first Monday of December next after his election, his office shall be considered vacant.

SEC. 4. That in all cases where the office of county vacancy. assessor shall become vocant by death, removal from the county, resignation, falure to give bond, or from any other cause, and the interests of the county and state require that such vacancy should be filled previous to the next annual election, the board doing county business of the proper county, shall appoint some suitable person, having the qualification of an elector and residing within such county, to fill the vacancy; and if necessary, the board may hold a special session for that purpose.

SEC. 5. That the person appointed to fill such vacancy shall give bond, and take an oath or affirmation, as provided in the second section of this act, and shall hold his office until the next annual election, and until his successor is elected and qualified.

Deputies.

Sec. 6. That whenever the board doing county business of any county, shall be of opinion that the county assessor will be unable to perform all the duties required of him within the time specified by law for the performance thereof, the assessor may, with the approbation of the board doing county business, appoint one or more deputies to assist in the performance of the duties of his office.

Oath, &c. of.

Sec. 7. That each [deputy] assessor shall be sworn or affirmed faithfully and impartially to discharge the duties of his appointment, and may do and perform any duty required of his principal except making a valuation of lands and town lots, and serving as a member of the board of equalization; and the principal shall be liable for all the misconduct in office of his deputy or deputies.

Penalty for ne. glect of duty.

Sec. 8. That if any assessor shall, by himself or deputy or deputies, be guilty of any neglect of duty, which, by any law now in force or which may hereafter be enacted, it is made his duty to perform, the board doing county business may make such deduction from his account for services rendered as they may deem just and reasonable; and he shall moreover be subject to presentment or indictment by the grand jury of the county, and may be fined in any sum in the discretion of the jury trying the same, for the use of the proper county seminary; and it is made the duty of the judges of the circuit court to give this act in charge to the grand jury of the proper county.

Account of ser-

SEC. 9. That each county assessor and deputy assessor shall, at the end of each week in which he shall have been engaged in the performance of any of the duties required of him by law, enter an account in writing of the number of days or parts of days he may have been so engaged during the week; and at some stated meeting of the board doing county business, shall present such original account to said board, and shall testify under oath or affirmation to the accuracy of such account, and shall answer such questions respecting the same as may be put to him by the board.

Compensation.

Sec. 10. That the assessor and deputy assessor shall each be allowed two dollars for each day that the board doing county business shall be satisfied they shall have been respectively employed in the discharge of the duties required of them by law.

Suit on bond.

Sec. 11. That suit may be instituted on the bond given by the assessor, in the name of the state of Indiana, either for the use of the proper county seminary, or any person injured by the misconduct in office of the assessor or his deputy, or by the omission of any duty enjoined on him

SEC. 12. That all acts and parts of acts coming within Repeal. the purview of this act shall be, and the same are hereby repealed: Provided, That none of the obligations or liabilities by any assessor incurred, shall be affected by the repeal of any act as provided for in this section.

This act to take effect and be in force from and after its

passage.

CHAPTER IV.

An Act prescribing the duties of county treasurers.

[APPROVED, FEBRUARY 12, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Election, tries-State of Indiana, That there shall be elected on the first nially. Monday in August next, and triennially thereafter, by the qualified electors in each organized county in this state, one county treasurer for such county; who shall hold his office for three years from the time of his election and until his successor is elected and qualified; the elections for county treasurer, auditor, and assessor shall, in all things be governed by the laws which regulate general elections; and the clerk of the circuit court shall make out and give the persons elected, certificates of their election, as in other cases.

SEC. 2. That each county treasurer, previous to enter-Bond. ing on the duties of his office, shall give bond with four or more freehold securities, to the acceptance of the board doing county business, and in a sum not less than double the probable amount of the state and county revenue required to be raised, in the proper county, during either of the years said treasurer may be elected to serve as such, payable to the state of Indiana, and conditioned for the paying over according to law, all moneys which shall come into his hands for state, county, road or other purposes; and shall also take and subscribe an oath or affirmation, to be endorsed, on said bond, that he will faithfully discharge all the duties of his office; and the said bond, so endorsed, shall be deposited with the auditor of the county, and by him carefully preserved.

SEC. 3. That if any person elected to the office of county treasurer, shall not give bond and take the oath or affirmation as required in the preceding section, on or before

the twelfth day of August next after his election, his office

shall be considered vacant.

SEC. 4. That whenever the office of county treasurer shall become vacant by death, removal out of the county, resignation, neglect to give bond, or from any other cause, the board doing county business of the proper county shall forthwith meet and appoint some suitable person to fill such vacancy; and the person so appointed, shall give bond and take an oath or affirmation, as required in the second section of this act, and shall hold his office until the expiration of the term for which his predecessor was elected or appointed, and until his successor is elected and qualified.

Office.

Sec. 5. That each county treasurer shall keep his office at the seat of justice for his county, and shall keep a fair and accurate account of all money by him received, showing the amount thereof, the time when, from whom, and on what account received; also of all disbursements by him made, showing the amount thereof, the time when, to whom, and on what account paid; and he shall so arrange his books that the amount received and paid on account of separate and distinct funds or specific appropriations, shall be exhibited in separate and distinct accounts, as well as that the whole receipts and expenditures shall be shown by one general or cash account: Provided, That no money received for taxes charged on the duplicate of the current year, shall be by the treasurer entered on his account with the county, until he shall have made his annual settlement with the county auditor on the second Monday in January.

Receipts.

Sec. 6. That when any money shall be paid to the county treasurer (except such as shall have been paid on account of taxes, charged on the duplicate,) the treasurer shall give to the person paying the same, duplicate receipts therefor: one of which, such person shall forthwith deposit with the county auditor, in order that the treasurer may be charged with the amount thereof.

County boards SEC. 7. That the books, accounts and vouchers examine office, of the county treasurer, and all moneys remaining in the treasury, shall at all times be subject to the inspection, and examination of the board doing county business; and it is made their duty to make such examination and count the money on hand, at least once each year.

County orders.

SEC. 8. That the county treasurer, when an order drawn on him as treasurer, by the auditor of his county, is presented for payment, shall, if there be money in the treasury for that purpose, redeem the same, and shall write on the face of such order, "Redeemed," the date of redemption, and shall sign his name thereto.

SEC. 9. That when any order shall be presented to

the county treasurer for payment, and the same is not paid for want of funds, the treasurer shall endorse said order, "not paid for want of funds," annexing the date of its presentment, and shall sign his name thereto; and said order shall from thenceforth bear an interest of six per centum per annum.

SEC. 10. That so soon as there shall be sufficient funds Notice to rein the treasury of the county to redeem the orders drawn thereon, and on which interest is accruing, the county treasurer shall give notice in some newspaper printed in his county, or circulated therein, that he is ready to redeem such orders; and from the date of such notice, the interest on such orders shall cease.

SEC. 11. That when the county treasurer shall redeem Interest. any order on which any interest is due, he shall note on such order the amount of interest by him paid thereon, and shall enter on his account the amount of such interest, distinct from the principal.

SEC. 12. That the county treasurer shall, on the first Deposited with Monday of March, June, September, and December in auditor. each year, deposit with the auditor of his county, all orders in the treasury by him redeemed, and take the auditor's receipt therefor.

SEC. 13. That the county treasurer shall, between the Duplicate's nofirst and fifteenth days of August, annually, receive from tice. the county auditor of his county, a duplicate of the taxes assessed by such auditor; and immediately after receiving said duplicate, he shall cause notices to be posted up in three places in each township throughout the county, one of which shall be the place of holding elections in the township, and also to be inserted in some newspaper having general circulation in his county, for six successive weeks, stating in said notices the amount of tax charged for state, county, and road or other purposes, on each one hundred dollars valuation; also, on what day the treasurer or his deputy will attend at the place of holding elections in each township, for the purpose of receiving such taxes, and the treasurer or his deputy shall attend for the purpose aforesaid, on the day and at the place named in such notices; and shall attend at his office at the seat of justice, from the fifteenth of October to the twenty-fifth of December inclusive, to receive taxes from persons wishing to pay them: Provided, That the board doing county business of any county, at their stated meeting in June in any year, if they shall deem it necessary for the convenience of the citizens of any township or townships in their county, to enable them to pay their taxes without attending at the county seat, may make an order requiring the county treasurer to attend two days in such

township or townships for the purpose of receiving taxes, and shall notify the treasurer thereof; and the treasurer shall be bound to attend accordingly, and shall state in the notices to be given as aforesaid, on what days he will attend in said township or townships for that purpose.

Deputies.

Sec. 14. That each county treasurer may appoint one or more deputies to assist him in the collection of taxes; and may take such bond and security from the persons appointed, as he shall deem necessary for his indemnity; and shall in all cases be liable and accountable for the proceedings and misconduct in office of his deputies.

Tax receipt.

SEC. 15. That the county treasurer or his deputy, whenever any tax shall be paid, shall give to the person paying the same a receipt therefor, specifying therein the land, town lot, or other property on which such tax was assessed, according to its description on the duplicate, or in some other sufficient manner.

Tax may be paid

SEC. 16. That when any person shall desire to pay only a proportion of the tax charged on any real estate, such person shall pay a like proportion of all the several taxes charged thereon for state, county, road or other purposes; and no person shall be permitted to pay one of said taxes without paying the others.

Error in dupli-

Sec. 17. That if any person shall be erroneously or improperly charged on the duplicate with any taxes, and shall deposite with the county treasurer a certificate to that effect, signed by the county auditor, the treasurer shall omit to collect such taxes, or so much thereof as shall have been erroneously or improperly charged.

Tax, when to be paid.

Sec. 18. That if any person or persons shall fail to pay the taxes charged against him, her, or them, on or before the twenty-fifth day of December, next after the same shall become due, such person or persons may pay the same at any time before the treasurer shall have distrained any property for the payment of such taxes, but shall be charged with the penalty of ten per cent. thereon for the use of the county treasury.

Goods distrained, when.

SEC. 19. That at any time subsequent to the twentyfifth day of December next after such taxes shall become due, the county treasurer, or his deputy, may distrain sufficient goods and chattles belonging to the person or persons charged with such taxes, if found within his county, to pay the taxes so remaining due from such person or persons, and the costs that may accrue; and the treasurer may in like manner distrain, at any time after the taxes become due, in case he may have just cause to apprehend that any person, owing any tax, may be about to change residence, by leaving the county without paying

the tax; and shall immediately proceed to advertise the same in three public places in the township where such property may be taken, stating the time when, and the place where such property will be sold; and if the taxes for which such property shall have been distrained, and the costs which have accrued thereon, shall not be paid before the day appointed for such sale, which shall not be less than ten days after the taking of such property, such treasurer or his deputy, shall proceed to sell such property at public vendue, or so much thereof as will be sufficient to pay said taxes, and the costs of such distress and sale.

Sec. 20. That the treasurer shall be allowed the same fees for making distress and sale of goods and chattels for Fees, for. the payment of taxes, as may be allowed by law to constables for making levy and sale of property on execution; travelling fees to be computed from the seat of justice of the county to the place of making the distress.

Sec. 21. That the county treasurer shall annually, on the second Monday of January, make settlement with Settlement the auditor of his county, and make return of the delin-with auditor. quencies on the tax duplicate in the manner which shall be directed in the act prescribing the duties of county auditor.

Sec. 22. That if any county treasurer, on making settlement with the county auditor, shall stand charged May collect un with any tax which remains unpaid, and shall not receive a credit therefor in such settlement, such treasurer may collect such tax for his own use at any time within one year after such settlement, either by distress and sale, as hereinbefore provided, or by an action of debt in his own name, before any justice of the peace or court having ju-

risdiction thereof.

Sec. 23. That each county treasurer shall, on or before the fourth Monday of January, pay over to the trea-Payment to surer of state, all the moneys by him received for state purposes, agreeably to the certificate of settlement with the auditor of his county, deducting therefrom his travelling fees; and shall take a receipt from said state treasurer for the money so paid, which he shall deposite with the auditor of state, who shall give him a quietus.

SEC. 24. That the sum of eight cents per mile shall be allowed to each county treasurer for travelling fees in Mileage going to and returning from the seat of government in order to pay into the state treasury the moneys by him received for state purposes, to be computed by the auditor of state according to the distance on the route most usually travelled. The state of the state of

Sec. 25. That if any county treasurer shall fail to suit for failing

to make return, make return, fail to make settlement, or fail to pay over all money with which he may stand charged, at the time and in the manner prescribed by law it shall be the duty of the county auditor, on receiving instructions for that purpose from the auditor of state, or from the board doing county business of his county, to cause suit to be instituted against such treasurer and his securities, in the circuit court of his county; and there shall be no continuance of any suit instituted against any treasurer and his securities under the provisions of this act when process is returned executed upon any of the defendants, unless by the assent of the attorney prosecuting the same on behalf of the state; and judgment shall be rendered against the defendants upon whom process is executed for the amount due from such treasurer with legal interest, and a penalty of ten per cent. thereon, and six per cent. thereon for the use of the prosecutor as his fee for collection; upon which judgment there shall be no stay of execution, and the property of such delinquent treasurer and his securities may be sold without appraisement to satisfy such judgment; and the attorney may elect to proceed by scieri facias or summons against the other defendants, and make them parties to said judgment, at any future term of the court in which such suit was instituted; and upon the trial of any such suit, the stated account of the treasurer, against whom suit is brought, certified by the auditor of state as truly transcribed from the account current against such treasurer, on the books of said auditor's office, authenticated by the state seal, shall be conclusive evidence of the demand of the state against such treasurer and his securities; and it shall not be lawful for such treasurer or his securities to set off, or allege in payment of such demand, any payment or claim of credit, unless the same has first been presented to the auditor of state and been allowed or rejected by him, unless the same could not, by using due diligence, be presented to said auditor, for his determination thereon, to be had before the trial of such suit. And in all suits brought against the county treasurer and his securities the county auditor shall be a competent witness; and all books and papers belonging to his office, shall, when proved by the oath of the auditor, be admissible testimony.

May be remo-

Sec. 26. That whenever suit shall have been commenced against any delinquent county treasurer as aforesaid, the board doing county business of such county may, at their discretion, remove such treasurer from office, and appoint some person to fill the vacancy thereby created, as herein before provided.

SEC. 27. That the sheriff or other officer who shall Money collected collect any money from a delinquent county treasurer or treasurer, how his securities, shall within ten days after the collection paid. thereof, pay into the county treasury such proportion thereof as shall belong to the county; and within thirty days after such collection he shall pay into the state treasury the proportion belonging to the state, retaining the same travelling fees as are herein allowed to county treasurers: Provided, That if the proportion belonging to the state, should not exceed one thousand dollars, the sheriff or other officer shall deposit the same with the county treasurer, and shall take triplicate receipts therefor, one of which he shall deposit with the county auditor, and one he shall forthwith inclose in a letter to the auditor of state; and the money so deposited with the county treasurer and belonging to the state, shall be by the county treasurer paid over to the treasurer of state at such time, and in such manner, as the auditor of state shall direct.

Sec. 28. That if any sheriff or other officer, to whom Penalty against an execution against a delinquent treasurer and his secu-sheriff, &c. rities shall be delivered, shall neglect or refuse to execute the same, or shall neglect or refuse to pay over any money collected thereon, as required in the preceding section, he and his securities shall be liable to the same penalties, and shall be proceeded against in the same manner, as is herein provided in relation to delinquent treasurers.

SEC. 29. That if any deputy treasurer shall fail to Proceedings pay over to his principal, on demand, any taxes or other against deputy. money by him collected as deputy treasurer, the same proceedings may be had against him and his securities, at the instance of the treasurer, as are by this law authorized against treasurers for failing to make payment according to law.

SEC. 30. That the county treasurers shall make sale sale of delinof the delinquent lands and town lots, in the manner quent lands. &c. which shall be pointed out in the act prescribing the duties of county auditors, and shall do and perform all such other duties as now are, or hereafter may be, required of them by any general or local laws.

SEC. 31. That each county treasurer shall make a full Settlement and settlement with the board doing county business of his fees. county, at their stated meeting in June annually, and shall be allowed for his services two and one-half per centum on all moneys received, and a like per centum on all paid out during the preceding year, excepting the receipt of that collected on the tax duplicate, and excepting that which is paid out to the state as her revenue, and except-

ing that on which some other rate of compensation or fee for receiving or paying out or both is fixed by law; and shall be credited with the sum by him paid for printing such advertisements as he is required to publish in some newspaper, and with the sum by him paid for blank books and stationery in his office, to be paid on the order of the county auditor: *Provided*, That no per centage shall be allowed to the treasurer on any money by him received from his predecessor in office, or from the legal representatives of such predecessor.

Fees.

SEC. 32. That the fees to be allowed the county treasurer on his settlement with the county auditor for the collection of taxes shall be eight per centum on the first one thousand dollars; seven per centum on any sum between one and two thousand dollars; six per centum on any sum between two and three thousand dollars; five per centum on any sum between three and four thousand dollars; four per centum on any sum between four and five thousand dollars; and three per centum on any sum over five thousand dollars by him collected as aforesaid.

Deliver books, &c. to successor. SEC. 33. That each county treasurer in going out of office, shall deliver to his successor in office all the public money, books, accounts, papers and documents in his possession, and in case of the death of any county treasurer, his legal representatives shall in like manner deliver up all such moneys, books, accounts, papers, and documents, as shall come into their possession.

Repeal.

SEC. 34. That all acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed: *Provided*, That the county treasurers now in office shall continue to hold their respective offices until their successors are elected and qualified, and the obligations and liabilities incurred under said acts, shall not be affected by the repeal thereof.

This act to take effect and be in force from and after its

passage.

CHAPTER V.

An Act pointing out the mode of Levying Taxes.

[APPROVED, FEBRUARY 12, 1841.]

Subjects of tax. Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That all lands and town lots, with all buildings erected or made thereon or thereto attached, to-

gether with all improvements which are the property of any individual or individuals, body corporate or politic, and all personal property, shall be and the same is hereby declared subject to taxation, (except such lands and personal property as are exempted from taxation by the second section of this act,) and the same shall be subject to taxation yearly and every year, to be levied and collected agreeably to law. That the terms "all lands" shall be construed to mean all lands which have been purchased of the general government for five years or upwards, up to the first day of March in each year; all the Wabash and Erie canal lands sold by the State of Indiana, whether the same be paid out by the purchasers or still remain unpaid for; all state, seminary, and saline lands sold by the state, whether the same be paid out by the purchasers, or still remain unpaid for; all Michigan road lands; all individual reserves of land, reserved to or for any individual, Indian or white, by any treaty between the United States and any Indian tribe or nation; and all sixteenth or other school sections sold, except those school sections which were sold prior to the passage of the act of 1834, and upon which the credit of ten years has not expired. And the terms "personal property" in this section, shall be construed to mean and include household furniture; all moneys on hand, whether specie or current bank paper; [all* moneys loaned at interest, whether specie or current bank paper; all goods; all chattels; all public stocks or capital invested in steam-boats; all stocks in monied corporations; (except bank stock;) also such portion of the capital of incorporated companies, liable to taxation by the laws of this state, as shall not be vested in real estate; all notes and bonds on solvent persons; bills of exchange, checks, drafts, or certificates of deposit, provided such notes, bonds, bills, checks, drafts, or certificates have been purchased with money, (except however, such as are purchased by any corporation, the capital of which is taxed by this act,) shall be considered as cash on hand or money loaned at interest, and they shall be so assessed: Provided, That from the valuation of any seminary, or school land sold on a credit, either by the state or any county, there shall be deducted from such valuation the amount remaining unpaid, and the residue of such valuation [only] shall be set down for taxation: and each male inhabitant over the age of twenty-one years, shall be subject to a poll tax for state and county purposes, the amount to be fixed from time to time by law-subject, however, to the exemptions provided in the twelfth section of this act.

^{*}Note.—These words were omitted by the enrolling clerk, as appears by the engrossed bill. WM. SHEETS, Sec'ry of State.

Property exempt from taxation.

Sec. 2. All lands belonging to the United States or this state: all lands sold by congress until the term of five years shall have expired from the day of sale with the improvements thereon; all lands with the improvements thereon, not exceeding ten acres, the title of which is vested in any trustee or trustees, body corporate or politic, for the use of, and in trust for, any religious society, and occupied by any such society for the use of a meeting house or burying ground; all lots of ground set apart for school houses, seminaries, academies or colleges not exceeding twenty acres, and in case it be an incorporated manual labor school or college, not exceeding three hundred and twenty acres, with the buildings and improvements thereon, occupied for such purposes; all lands set apart for the use of common schools, and not sold to individuals; all state and county libraries; all libraries and philosophical apparatus belonging to, or used by, any incorporated college or academy or society for the promotion of science; [all lands owned] by counties in this state, and set apart for the use and support of the poor of such county or counties, not exceeding three hundred and twenty acres; all county grounds and county buildings set apart for county purposes; all hospitals, alms-houses, houses for the correction and reformation of offenders, and the real and personal property belonging thereto; and all the stocks owned by the state, or by literary or charitable institutions; and all the personal property of a widow and orphan children, if it does not exceed two hundred dollars in value, the necessary beds and bedding not exceeding two to each family, and the wearing apparel of each family shall be exempt from taxation.

Assessor shall list and value personal property &c.

Additional listing, annually. SEC. 3. The assessor between the first day of March and the twenty-fifth day of May in the year eighteen hundred and forty two, shall call upon each and every person resident in his county for a list of all improvements on any land or town in-lot or out-lot, for all corporation stock, and all personal property made subject to taxation by this act, and the assessor shall make true valuation thereof, in money according to the provisions of this act.

SEC. 4. That the assessor [annually] thereafter between the first day of March and the twenty-fifth day of May, shall list from every person, any or all of the before mentioned subjects of taxation, which may have been erected, built, made, or put in operation, owned, possessed or become liable to taxation since the last enlistment and valuation; and he shall make a true valuation thereof in money, according to the provisions of this act.

SEC. 5. That the assessor, between the first day of

March, and the twenty-fifth day of May, eighteen hun-List of lands &c. dred and forty-two, and annually thereafter, shall call upon each and every person resident in his county, for a list of all lands, or town in-lots and out-lots, which may be subject to taxation, and which have not been previously entered on the proper list and valued; and the assessor shall also take a list of all in-lots and out-lots in any town or village, which may have been laid out agreeably to law, subsequent to taking the former lists in the county; and he shall note the quantity and description of land on which [such] town is laid out, and estimate what proportion of the value of the tract of land in which said town is laid out, ought to be deducted therefrom. Said assessor shall also take list of all improvements subject to taxation, which have been erected or made on any town or village in-lot or out-lot; he shall also note all houses and buildings or other improvements which stand on the grand levy, and which have been destroyed in any manner, and he shall make a true valuation of these different species of property, in money according to the provisions of this act.

SEC. 6. That the list given by the owner or owners what shall be or taken by the assessor aforesaid, shall particularly set set forth in list. forth, the name of the owner or owners; the number of acres of land in each particular tract, lot, section, or subdivision thereof; or the number of the entry, location or survey, and water course, as the nature of the general or particular survey may require; and in the English and French grants, Clark's grant, and Indian reserves, (where the survey of the latter is different from the United States surveys,) shall also set forth the name of the original owner, quantity of land contained in the original tract, of which the tract listed is a part or sub-division; also, all town in-lots and out-lots owned or held as aforesaid, with the number thereof, as described on the recorded plan of said town, or the parts thereof, if it has been sub-divided; also all improvements erected, built, or made thereon; all corporation stock, (bank stock excepted) and all personal property, owned or possessed by such person or persons, or bodies corporate or politic.

SEC. 7. That if any tract of land, town in-lot, or out-Joint property. lot, shall be owned by different persons in severalty, tenancy in common, coparcenary, either of them may list his or her, or their respective share or shares, or all may together, as they deem expedient; in which case, such tenancy shall be noted on the list, and the whole quantity of land or lot shall be noted.

SEC. 8. That if the owner or owners of any of the owner absent, capital employed or other article of property made taxa-by assessor.

ble by law, shall be absent or unable to give in a list, when called upon by the assessor, it shall be the duty of the assessor to make a list thereof, from the best information he can obtain, therein describing the several pieces of property according to the requisitions of this act, and note the fact of such taking on said list.

Owners to de liver list &c,

Sec. 9. That if the owner or owners of capital employed, or other property made taxable by law, shall make out and deliver, by the twenty-fifth day of May, (after being called upon, and being either absent or unable to give a list) to such assessor a correct list of his property, in the manner prescribed in this act, the assessor shall receive the same, and correct his valuation thereby, if necessary.

Non residents.

Sec. 10. That if the owner or owners of property do not reside within the county wherein the same is situated, and shall neglect to furnish the assessor with a list of the same, as herein required, by the twenty-fifth day of April annually, the assessor shall make a list thereof from the best information he can obtain; and if the owner be unknown, then the property shall be listed, and it shall be noted in the column of names that the owner is unknown.

Residents refus. ing to give list.

SEC. 11. That if any person resident in the county, shall refuse to give a list of his or her capital employed, or other property, when called upon by the assessor, or shall fraudulently omit to give in any part of his or her capital or property, herein before required to be listed, the assessor shall take a list of such person's capital employed, or [other property] thus refused or omitted to be listed, from the best information he can obtain; and he shall distinctly note the list so taken in either of these cases, and shall notify such person to attend the board of equalization of such county; and if the person failing, refusing, or omitting to give a correct list as aforesaid, shall not satisfy the board, of equalization of his innocence in the premises, they shall order the property, so refused or fraudulently omitted to be listed, to be taxed three-fold the proper taxes; but if the refusal is excused for good cause, or the fraudulent intention in omission is removed. they shall order the property to be taxed as other property of like description.

Valuation

SEC. 12. That the said assessor shall, annually, before the first Monday in June, make a true valuation in money of all property made liable to taxation by law, which has not been listed and valued, and insert such valuation in

the proper column in his list.

1. All lands and improvements erected or built thereon, or affixed thereto, shall be valued at their true value

in money, taking into consideration the fertility and quality of the soil, the vicinity of the same to public roads, towns, or villages, navigable rivers, water privileges on the same, or location and route of canal or canals or railroads, with any other local advantages of situation, upon actual view of the premises, and shall be so entered in his list as to show in separate columns the value of the land without improvements, the value of the improvements, and the value of such land with the improvements.

2. In-lots and out-lots in all towns and villages, with Town lots. the improvements erected or built thereon, or affixed thereto, shall be valued at their true value in money, taking into consideration the local advantages of situa-

tion, upon actual view of the premises.

3. All corporation stock (bank stock excepted) made stocks. taxable by the first section of this act, shall be valued and assessed as so much capital, upon the statement of

the person under oath or affirmation.

4. All personal property made taxable by said first Personal prosection of this act, shall be valued at its true cash value, perty. upon the statement of the owner: Provided, That the assessor may require any person to give in his property made taxable by this act, under oath or affirmation: And provided further, That all moneys on hand, whether specie or current bank paper, all moneys loaned at interest whether specie or current bank paper, all notes and bonds on solvent persons, all bills of exchange, checks, drafts, or certificates, which have been purchased with money; whether owned by individuals, insurance companies, or exchange brokers or other companies, made taxable by the first section of this act, shall be given in by such individual, cashier, clerk, or other proper officer, under oath or affirmation.

5. All persons over the age of twenty-one years, shall roll tax. be assessed and charged with such poll tax, as is now or shall hereafter be fixed by law: Provided, That said assessor shall not assess any poll over the age of fifty years.

SEC. 13. The assessor of each county, before the first Abstract. Monday in June, annually, shall make out from the list taken as before provided, an abstract thereof; and shall distribute the same under the head of the respective townships wherein the several articles listed shall be subject to taxation, together with the valuation thereof, and taxable polls, to-wit: All lands, lots, and improvements thereon, in the civil township where the same may be situated; all other property under the head of the township where the owner may reside, and the polls assessed also in the township where the individual resides: and if

Lands.

any tract of land lying in the grants to English or French emigrants, or in Clark's grant, or individual Indian reserves, (surveyed differently from the United States surveys,) shall be divided by any township line, such tract shall be placed under the head of that township in which the greater part thereof lies; and such whole tract shall be set down within such township, untill the same shall be aparted at or near the township line, when it shall be listed in the respective proper townships; which said abstract the assessor shall deliver to the county auditor, with the original lists taken by him, on or before the first Monday in June, annually.

County board, &c. to hear complaint.

Sec. 14. That the board doing county business, auditor and assessor, shall meet at the seat of justice of each county, on the first Monday of June, annually; who shall have power to hear and determine the complaint of any owner of property or poll listed, and the valuation of any property valued by the assessor subsequent to the preceding first day of March; and shall correct any list or valuation, as they shall deem proper; and shall have power to equalize the valuation made by the assessor, either by adding to, or deducting from, his valuation, such sums as to them, or a majority of them, shall appear just and equitable.

State tax.

Sec. 15. All taxes necessary for the support of [the] government of this state, shall be assessed on polls, and on the grand levy of articles enumerated in this act, (except as to the tax on bank stock,) in an equal and ratable proportion, in manner following, to-wit: The amount necessary to be charged on each poll, and the per centum necessary to be charged on each one hundred dollars, on said grand levy for state expenditures, shall be fixed from time to time by law; that the board doing county business for each county shall, at their annual meeting in June, determine the amount to be levied on each poll, and the per centum necessary to be levied for the expenses of their respective counties, and also for road purposes.

County tax.

Sec. 16. That the board doing county business for each county shall cause to be paid into the county treasurv. each year:

Ferry.

Licenses.

1st. For each license to keep a ferry, not less than three nor more than fifty dollars.

Vend liquors.

2d. For each license to vend or retail spirituous liquors, not less than twenty-five nor more than two hundred dollars.

To merchants.

3d. For each merchant's license, five dollars for any amount not exceeding one thousand dollars' worth of such foreign merchandise, or foreign and domestic groceries; seven dollars and fifty cents for any amount over

one thousand and not exceeding two thousand dollars; ten dollars for any amount over two thousand and not exceeding three thousand dollars; twelve dollars and fifty cents for any amount over three thousand and not exceeding four thousand dollars; fifteen dollars for any amount over four thousand and not exceeding five thousand dollars; seventeen dollars and fifty cents for any amount over five thousand dollars, and not exceeding six thousand dollars; and twenty dollars for any amount over six thousand dollars: Provided, That travelling merchants Pedlare. or pedlars, shall and they are hereby required, to take out a license or permit, in each and every county in which they shall vend, or offer for sale, any foreign merchandize, in the same manner, and pay in proportion, as it regards amount, and length of time, and be subject to the same penalties that are, or may be required of resident merchants: Provided further, That in no case shall said travelling merchants or pedlars be entitled to a license for any term of time for a less sum than five dollars.

4th. The term merchants in this section mentioned Who are mershall be construed to mean every person within this state, trading or dealing in foreign or domestic goods, wares, merchandize, jewelery, drugs or medicines, whether the owner or owners thereof reside within this state or else-

where.

5th. For each license to vend wooden, brass, and com-Clocks. position clocks, or clocks composed of either of them, not less than twenty nor more than fifty dollars; and the license so obtained shall authorize only one person, he, [him] in whose name it shall be procured, to sell under it in only one county, and only for one year; and that any agent vending such clocks, shall be deemed a principal, and shall be compelled to procure a license accordingly: And provided, That any hiring, leasing, or other bailment of any such clocks, by any person whatever, shall be deemed a sale, and treated accordingly.

6th. For each travelling caravan, managerie or other Caravans and collection of animals, or show of any figures or circus, or theatre, exhibited or performed before the people for reward, not less than twenty dollars nor more than fifty dollars for each day's exhibition: and it shall be the duty of the county treasurer to see that the license is procured; and upon the refusal or neglect of the owner or manager of such menagerie, circus, show, or theatre to comply with the provisions of this act, the treasurer shall commence suit against said owner or manager before any justice of the peace of his county, in the name of the county, for the amount of such license, and the justice

trying the case shall render judgment for the amount of such license, with damages four fold the amount of said licen e, which damages or fine shall be for the use of the county seminary of the proper county, and in default of proparty out of which to make said jucgment, said owner or owner, manager, or managers, shall be committed to prison until released by taking the insolvent debtor's oath, or by due cour e of law.

may determine value of grocery licenses, &c.

SEC. 17. That the value of said licenses to retailers of spirituous liquors, and foreign and domestic groceries, and tavern keepers who desire to sell spirituous liquors, venders of foreign merchandise, and venders of wooden or other clocks, may be determined upon by the board doing county business at any session thereof; and in cases of application for licenses to keep a tavern with a privilege to retail spirituous liquors, or to keep a grocery with the privilege to retail spirituous liquors and foreign and domestic groceries, inquiry shall be made as to the place of residence of the applicant, and to the profits of his business, and after such inquiry, the board shall determine what amount such applicant shall pay for his license, with [within] the limitations of the sixteenth section of this act: Provided, That a majority of the citizens householders, of any town or township may remonstrate in writing to the board doing county business, against the licensing of any grocery, tavern or other establishment for the retailing of spirituous liquors, for any term of time which they may designate, and the board shall be governed by the wishes of the majority as thus expressed.

Brokers, &c.

Majority re.

monstrating.

SEC. 18. That every person who shall hereafter carry on, or exerci e the business of exchange brokers, within the limits of this state, such as dealing in promissory notes, bills of exchange, or buying and selling bank notes, gold and silver, shall first precure from the clerk of the circuit court in the county in which such business may be transacted, a license for that purpose, for which license, the person procuring the same, shall pay the sum of one hundred dollars, for the period of one year. All insurance offices and savings institutions are hereby intended to be embraced in this section.

Clerk's duty as su brokers.

SEC. 19. It shall be the duty of the several clerks in this state to certify to the auditor of state, the amount so re eived by them for license to brokers, and the auditor shall charge the same to the collector of state revenue for such county, and such clerks shall also pay the amount so received to such collectors, who shall pay the same into the state treasury as a part of the state revenue.

Sec. 20. Every person who shall transact or carry on the business above specified within this state, without first procuring a license as above provided, shall be liable to indictment, and upon conviction, shall be fined in any sum not less than fifty nor more than five hundred dol-

SEC. 21. The lien of the state for all taxes of state. county, road, and other purposes, shall attach on all real estate on the first day of March annually; and such lien shall be perpetual, for the amount of all taxes which heretofore have accrued, or which may hereafter accrue, with

the interest, and penalties in each case.

SEC. 22. The board doing county business shall, at their June session annually, for the purpose of county revenue, fix any per centum by them deemed necessary on each one hundred hundred dollars valuation of taxable property, and such amount on each male inhabitant made taxable by this act, for county purposes, as they may deem necessary; all of which shall be levied and collected as provided by law.

SEC. 23. Every person, body politic, or corporate Tax attaches shall be bound to list and stand chargeable with tax, on let March. all personal property subject to taxation by law, owned or possessed on the first day of March annually; and if the county treasurer, or other person appointed to collect [the] taxes, cannot in any one year collect the tax charged upon said property, the same shall remain as a debt against such person, body politic or corporate, and with legal interest thereon may be collected, at any time thereafter, together with any poll tax, not paid by the person chargeable therewith by said treasurer or other person appointed to collect taxes, in the same manner that he is authorized by law to collect other taxes in other

SEC. 24. That the personal property of deceased per- Decedents. sons shall be liable in the hands of executors or administrators for any tax due on the same by any testator or intestate.

SEC. 25. Any non-resident of the state, or other per- Non residents son, charged with the tax on any land or lot, situate in may pay into any other county than the one in which said person may reside, may pay such tax into the state treasury, at any time after the auditor of state shall have received the duplicate thereof, from the proper county auditor, to-wit: when any such land or town lot shall have been delinquent, and advertised for sale, on the last Monday in December, of the current year, payment of the tax, interest, and penalty due thereon, shall be made on or before the first Monday of December; and in other cases, payment

of the taxes of the current year may be made on or before the last day of December.

Revenue of 1841, how as-

SEC. 26. The revenue for the year eighteen hundred and forty-one shall be assessed under the laws now in force, adopting, however, in all cases, the provisions of this act, so far as practicable, except as to branch bank stock, which shall not be assessed as heretofore, but according to the provisions of an act to tax individual stock of the several branches of the state bank of Indiana.

Meeting of county board.

SEC. 27. That in eighteen hundred and forty-one, the board doing county business in each and every county, shall meet at the court house, or at the usual place of holding the circuit court in such county, on the first Monday in March, June, September, and December, and annually thereafter for the purpose of transacting the duties enjoined on them by law, and shall sit so long as the business may require, any thing in any law to the contrary notwithstanding.

Repeal.

SEC. 28. That all acts coming within the purview of this act, be and the same are hereby repealed: *Provided*, That no right vested, act done, or obligation or liability incurred under any of the provisions of the acts hereby repealed, shall in any wise be affected or impaired by the repeal thereof.

This act to take effect and be in force from and after the first day of March, eighteen hundred and forty-one.

CHAPTER VI.

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An Act supplemental to an act pointing out the mode of levying taxes.

[APPROVED FEBRUARY 15, 1841.]

Duty of assessors in relation to Wabash and Erie canal lands.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the several assessors, in assessing and appraising Wabash and Erie canal lands in this state, on which final payment has not been made to the state, shall appraise the same with all improvements thereon, as other lands are appraised, and shall deduct from the amount of such appraised value, the amount unpaid to the state on such lands, and the holder thereof shall only be charged with the amount of such appraised value, after making the deduction aforesaid.

SEC. 2. That so much of the act passed during the present session of the general assembly as contravenes the provisions of this act, are suspended until further legislative action thereon.

This act to be in force from and after its passage.

CHAPTER VII.

A Joint Resolution on the subject of the state board of equalization.

[APPROVED, FEBRUARY 15, 1841.]

Be it resolved by the General Assembly of the State of Members of Indiana, That the following persons shall constitute the state board of state board of equalization required by the fifteenth section of the act entitled "an act to value the property of this state," to-wit:

For the 1st judicial circuit, John H. O'Dell, of Montgomery county.

For the 2d judicial circuit, William Graham, of Jackson county,

For the 3d judicial circuit, Pinckney James, of Dearborn county,

For the 4th judicial circuit, Samuel Connor, of Perry county,

For the 5th judicial circuit, Alexander Worth, of Morgan county,

For the 6th judicial circuit, William Frame, of Rush

For the 7th judicial circuit, John R. Porter, of Vermillion county.

For the Sth judicial circuit, Marshall S. Wines, of Allen county,

For the 9th judicial circuit, Joseph Orr, of Laporte county,

For the 10th judicial circuit, Andrew Evans, of Owen county,

For the 11th judicial circuit, William Vanmater, of Delaware county.

Be it further resolved, That the secretary of state be discretary of rected to inform the gentlemen composing the said board, state to notify of their appointment, within ten days after the passage of appointment this joint resolution, and that they be required to take an oath faithfully to perform the duties assigned them, and to comply with the provisions of the act which provides for their appointment.

An Act to tax individual stock in the several branches of the State Bank of Indiana.

[APPROVED, FEBRUARY 15, 1841.]

Directors of individual stock.

SEC. 1. Be it enacted by the General Assembly of the transmit to au- State of Indiana, That the board of directors of the seditor amount of veral branches of the State Bank of Indiana shall by the first Monday of December, eighteen hundred and fortyone, and annually thereafter, cause to be transmitted to the auditor of state a correct statement of the amount of the stock owned, and paid out by individual stockholders, whether resident or non-resident; which statement shall be signed by the president of such branch, and countersigned by the cashier, who shall attest to the correctness of such statement; and the auditor of state on receiving such statement shall, in each case, immediately draw on such branch of the state bank in favor of the treasurer of state for the amount of fifteen cents on each Duty of auditor. one hundred dollars of stock, in lieu of all county and road taxes, and shall also add such amount for state tax on each one hundred dollars of such stock, as by law is now charged upon other corporation stock, or may hereafter be charged by law upon corporation stock: Provided, That said tax shall in no case exceed the limits fixed by the charter of the state bank of Indiana; and the treasurer shall receive such draft of the auditor and account therefor, as for other moneys received into the treasury.

Penalty on banks for failure to comply with require-

ments of first

section.

Proviso.

SEC. 2. That if any branch bank refuse or neglect to make out and forward to the auditor of state, the statement required by this act, in the manner and within the time herein specified, or shall neglect or refuse to pay any draft drawn by the auditor of state for the amount of tax due to the state according to the provisions of this act: such branch bank shall forfeit and pay any sum not exceeding one thousand dollars, for the use of the proper county seminary, to be recovered by action of debt in the name of the state of Indiana, with cost of suit, before any court having competent jurisdiction thereof; which amount shall be paid over to the treasurer of state, and be by him accounted for as other moneys received into the treasury; and it is hereby made the duty of the prosecuting attorney in each judicial circuit, where any outing attorney. branch bank is located, upon being notified by the auditor of state, of the neglect or refusal of any such branch

bank, to make out and forward the statement required by this act, immediately to institute suit, against such branch bank for the penalty aforesaid; and for his services he shall be allowed such compensation as the audi-Compensation. tor may deem reasonable.

SEC. 3. The penalty affixed in this act for failure or neglect of the branches of the state bank, to comply with its provisions, may be drawn from the state treasury upon the order of the board of trustees of the proper seminary, upon the warrant of the auditor of state.

SEC. 4. It shall be the duty of the cashiers of their re-Duty of cashiers spective branches, immediately after the November semi-of branches. annual dividends are declared to stockholders, to deduct from each stockholder's dividend, an amount sufficient to pay his tax, as provided in the first section of this act; which several sums thus deducted, shall be placed to the credit of the auditor of public accounts, in the books of said branch, subject to the draft of said auditor, in favor of the treasurer of state.

This act to take effect and be in force from and after its passage.

CHAPTER IX.

An Act levying a tax for state and internal improvement purposes.

[APPROVED FEBRUARY 13, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be levied for State and Amount of tax internal improvement purposes, an annual tax of forty on property. cents on each one hundred dollars, of the value of all property entered on the general list for taxation, also for state purposes, a poll tax of seventy-five cents on each on polls. poll subject to taxation by law, which tax shall be assessed and collected agreably to law.

SEC. 2. That forty cents on each one hundred dollars How set apart. valuation as aforesaid, be set apart annually to the discharge of the interest on the state bonds, issued for the purpose of internal improvements; and the auditor of state shall apportion the nett amount realized for that purpose; and shall on the first day of February annually, audit to the proper officer the amount so set apart as aforesaid: Provided, that if the amount received from the Provisor poll tax should not be sufficient to meet the civil list, then

the auditor shall set apart from the amount arising from the tax for internal improvement purposes, a sufficient sum to meet the deficit therein.

SEC. 3. There shall be assessed and collected on all lands that were liable to taxation in the year 1840, on which no tax was assessed or collected, fifteen cents on the one hundred dollars valuation thereof, in addition to the forty cents above provided to be assessed and collected.

Duty of county boards, &c.

SEC. 4. It is hereby made the duty of the boards doing county business, the clerks of the circuit court, and the assessors on the first Monday of May to ascertain what lands escaped taxation in the year 1840, by comparing the tax book of said year, with the tract books and the list of lands taken this year; and said board shall assess fifteen cents on the one hundred dollars valuation thereof, in addition to the tax of forty cents above provided to be assessed.

SEC. 5. All acts coming within the purview of this act, be, and the same are hereby repealed.

This act to be in force from and after its publication in the Indiana Journal and Democrat.

CHAPTER X.

An Act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana.

[APPROVED JANUARY 16, 1841.]

Senatorial districts,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of electing Senators to the General Assembly of the state, for the ensuing five years, the state shall be and is hereby divided into the following districts, each of which shall be entitled to one Senator: Putnam one, Montgomery one, Parke one; Knox one, Lawrence one, Vermillion one, Clinton and Carroll one, Vigo, Clay and Sullivan one, Harrison one, Orange and Crawford one, Daviess and Martin one, Monroe and Brown one, Perry, Spencer and Warrick one, Owen and Greene one, Vanderburgh and Posey one, Gibson, Pike and Dubois one, Hendricks one, Shelby one, Marion one, Madison and Hancock one, Hamilton and Boone one, Henry one, Fayette and Union one, Franklin one, Dearborn one, Ripley one, Switzerland one, Jennings and Bartholomew one, Clarke one, Floyd one, Jefferson one, Jackson and Scott one, Washington one, Fountain one, Tippecanoe one, Grant and Delaware one. Johnson one, Morgan one, Decatur one, Rush one, Cass, Miami and Wabash one, St. Joseph, Marshall and Fulton one, Elkhart, Kosciusko, and Whitley one, Lagrange, Steuben, Noble, and DeKalb one, Allen, Adams, Wells, and Huntingtun one, Randolph, Blackford, and Jay one, Laporte, Lake, and Porter one, Warren, White, Pulaski, Jasper, Benton, and Starke one, and the county of Wayne shall be entitled to two senators.

SEC. 2. That in electing representatives to the ge-Representative neral assembly, for the ensuing five years, the several districts. counties of Parke, Rush, Vigo, Clarke, Harrison, Washington, Marion, Jefferson, Franklin, Fayette, Laporte, and Henry, shall have each two representatives; the counties of Wayne and Dearborn, each, three representatives; the counties of Orange, Shelby, Warrick, Vanderburgh, Knox, Sullivan, Clay, Vermillion, Warren, Clinton, Carroll, Morgan, Johnson, Jennings, Floyd, Scott, Jackson, Switzerland, Ripley, Decatur, Cass, Elkhart, St. Joseph, Allen, Hendricks, Delaware, Grant, Posey, Gibson, Spencer, Perry, Randolph, Union, Greene, Owen, Pike, Dubois, and Crawford, each, one representative.

Sec. 3. The counties of Miami and Wabash, shall elect one representative jointly; the counties of Huntington, Blackford, and Wells shall elect one representative jointly; the counties of Whitley and Kosciusko shall elect one representative jointly; the counties of Marshall, Fulton, and Starke shall elect one representative jointly: the counties of White, Pulaski, Jasper, and Benton shall elect one representative jointly; the counties of Noble and Lagrange shall elect one representative jointly; the counties of Steuben and DeKalb shall elect one representative jointly; the counties of Adams and Jay shall elect one representative jointly; and the counties of Porter and Lake shall elect one representative jointly.

SEC. 4. The counties of Montgomery and Putnam shall elect, each, two representatives; and said counties of Montgomery and Putnam shall elect one additional representative alternately, commencing with the county of Montgomery.

SEC. 5. The county of Fountain shall elect one representative, and the county of Tippecanoe shall elect two representatives; and said county of Tippecanoe shall elect one additional representative in the years 1843 and

1844, and Fountain shall elect one additional representa-

tive in the years 1842 and 1845.

SEC. 6. The counties of Hamilton and Boone shall each elect one representative; and said counties of Hamilton and Boone shall elect one additional representative alternately, commencing with the county of Hamilton.

SEC. 7. The county of Union shall elect an additional representative in the years 1841 and 1845; the county of Randolph shall elect an additional representative in the year 1843; the county of Rush shall elect one additional representative in the year 1842; the county of Jefferson shall elect an additional representative in the years 1841, 1843, 1844, and 1845.

SEC. S. The counties of Daviess and Martin shall elect one representative jointly, in the years 1843 and 1845; and said counties of Daviess and Martin shall elect each, one representative in the years 1841, 1842, and

1844.

Sec. 9. The counties of Bartholomew and Lawrence shall elect, each, one representative; the counties of Monroe and Brown shall elect one representative jointly; and the county of Lawrence and the counties of Monroe and Brown, jointly, shall elect one additional representative alternately, commencing with the county of Lawrence.

SEC. 10. The counties of Madison and Hancock shall each elect one representative; and the said counties of Madison and Hancock shall elect one additional representative alternately, commencing with the county of Hancock. The county of Vigo shall elect one additional representative in the years 1842, 1843, and 1844; and the county of Sullivan one additional representative in the years 1841 and 1845.

Sec. 11. Where a part of one senatorial district has senators who e by this act, been attached to another, and there be a seterm is unexpired. nator whose term of service has not expired in such newly formed district, no election for senator shall be held in such district until the term of service of such senator

shall expire.

CHAPTER XI.

An Act to revise and amend "an act incorporating congressional townships, and providing for public schools therein," approved, February 17, 1838.

[APPROVED, FEBRUARY 15, 1841.]

CHAPTER I.

School Commissioner.

SEC. 1. Be it enacted by the General Assembly of the School commis-State of Indiana, That in each county in which there shall stoner, how and when elected. be a vacancy, at each general election there shall be elected one school commissioner, who shall hold his office for three years from and after the third Monday of September next succeeding his election, and until his successor is elected or appointed, and qualified.

SEC. 2. All vacancies in such office that may occur be-Vacancies, how tween the days of general election, shall be filled by ap-filled.

pointment by the board doing county business.

SEC. 3. Every such commissioner, whether elected or Shall take oath appointed shall, before entering upon the duties of his of- and give bond. fice, take an oath faithfully to discharge the duties of his office, and give bond payable to the state of Indiana, for the use of congressional townships within his jurisdiction, in the penalty of ten thousand dollars, with at least six freehold securities to be approved by the board doing county business of his county, conditioned for the faithful discharge of the duties of his office, and for the delivering over to his successor all moneys, papers, and books that may come to his hands as such commissioner.

SEC. 4. Suit may be brought on such bond in the name Suit may be of the state, for the use of any congressional township, per- brought on bond son or persons injured by reason of any breach of the same by such commissioner, and a further suit, or suits, may be brought thereon for any other or subsequent breach to the injury of any other person or persons, township or town-

ships, district or districts.

Sec. 5. It shall be his duty to hold his office at least one office, where day in each month, at the county seat, which days shall held, &c. be so distributed as to include one day of the circuit court, said commissioner giving notice of such days together with the place of his office, in some public newspaper printed in the county; and if no paper be printed in the county, then by three written advertisements put up in each township.

Sec. 6. For the purpose of making distribution of the school funds to the township treasurers as is hereinafter provided, he shall also in each year, hold his office at the county seat, the first Monday of March and September, and five days thereafter.

SEC. 7. At all other times he shall keep his office either at the county seat or at his dwelling house in the county.

Sec. 8. He may transact his business by deputy, to be appointed and removed at pleasure, he and his securities being responsible for the acts of said deputy.

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Sec. 9. Such commissioner may be removed from office by the board doing county business of his county, upon failure to give additional security as such board may at any time require, or upon conviction by indictment for any mal-conduct in office, or on account of incapacity to discharge its duties, but such commissioner shall have ten day's notice, and an opportunity to be heard by counsel and witnesses in defence of any accusation made against him before such board doing county business.

Jurisdiction where lands lie in different townships.

Sec. 10. Whenever any township shall have any lands belonging thereto for the use of schools, and not situate therein, the school commissioner of the county in which such township lies, shall have jurisdiction over said land; or if such township lies in two counties, the school commissioner chosen by the trustees shall have jurisdiction over said land.

Trustees shall decide which shall have jurisdiction.

SEC. 11. Where any congressional township owning school lands, or where the sixteenth section or fractional part thereof belonging to any congressional township lies in two or more counties, the trustees of such township shall decide which school commissioner of such counties shall have jurisdiction over the school lands thereunto belonging.

Powers and duties of commissioners &c. where lands in different townships.

SEC. 12. The jurisdiction herein given to the school commissioner over the school lands not situated in his lie county, shall give him and the trustees and inhabitants of the congressional townships to which the same belongs, the same power and authority over such lands, and subject him and them to the same duties, and such lands, to the provisions of the law, as though the school lands were situated in such township or county.

Commissioner shall keep separate accounts.

SEC. 13. Such commissioner shall keep a separate account of the funds belonging to each congressional township within his jurisdiction, and of his transactions in relation to the same; and in keeping such account he shall distinguish such sums as are received as principal, and such as are interest.

SEC. 14. It shall be the duty of the school commis-Shall make de tailed report. sioner of each county in every year, on the second Mon-

days of March and September to make a detailed report to the county auditor of all moneys received and disbursed, and the duties, by such commissioner, specifying from what source received, and to whom paid over, and when; stating separately the accounts of each township over which he may have jurisdiction, shewing the amount of principal loaned out, and to whom, and the rate of interest (if any) loaned as principal; the amount of interest distributed, setting forth the amount distributed to each township, also a separate and distinct statement of the receipt and disbursement of the surplus revenue, or other such funds; and the school commissioner shall every year, on the se-Shall make setcond Monday of September, or within five days thereaf-ally. ter, make a full and complete settlement of his accounts

with the county auditor.

SEC. 15. In making such settlement it shall be the du-Shall exhibit ty of the school commissioner to exhibit his books and books &c. to vouchers to the inspection and examination of the county auditor; and the auditor shall at each such annual settle-Duty of county ment charge the school commissioner with the amount of auditor. money which appears to be in his hands or loaned out at interest, discriminating in his books, the amount belonging to each congressional township, and the amount, if any, of other funds of the nature of a county fund, crediting said commissioner likewise, with all sums by him paid over as required by law, a report of which settlement the auditor shall annually make to the board doing county business, at their first term subsequent to such settlement; a statement of which report shall be entered upon the records of the board; and for failing to make the settlments and reports required in this, and the last preceding section, the school commissioner may be removed from office, as provided in the ninth section of this chapter.

SEC. 16. It shall be the duty of the school commission-Commissioner shall provide er to purchase a sufficient number of bound blank books blank books. to furnish the proper officers of each township; in which

a fair record of all proceedings shall be kept.

Sec. 17. The books, papers, and accounts of any Books to be sub school commissioner shall be subject to the inspection of tion by county the board doing county business of such commissioner's board. county, three days notice thereof being given by process issued by the clerk of such board, on the petition of five freeholders or householders of the county, and whenever it shall appear, upon such application, to the satisfaction of the board, that improper entries have been made by said commissioner, in the books of his office, it shall be the duty of said board to require said commissioner to

alter and correct the same, or in default thereof to have the same altered and corrected by the clerk of said board.

receive money.

SEC. 18. The school commissioner shall by his proper may sue for and name as school commissioner, be entitled to demand, sue for and recover, and receive all money arising from school lands in his county, or belonging to any township in the county over which he has jurisdiction; excepting in townships that have trustees; such trustees shall have the control of moneys or effects arising from the leasing of school lands, and shall have power to sue for, and recover such moneys as such township may be entitled to.

CHAPTER II.

Sale of Congressional School Lands.

SEC. 1. On the written petition of at least five qualimining whether fied voters who are inhabitants of any congressional township to which any unsold lands for the use of schools school lands may then belong, the school commissioner having juris shall be sold. diction over such township, or the trustees thereof (as the case may be) shall insert in the notices of the election for a trustee or trustees to be held on the last Saturday of August next following, the additional notice that a balloting will then be had to determine the question whether the said lands shall be sold or not: Provided, That in all cases where the citizens of any congressional township shall fail to decide in favor of a sale at any

shall be lawful for the trustees of such township upon May be sold by the application by petition of a majority of all the legal petition of ma voters of any such township, to direct the said school commissioner to sell the said school section agreeably to the

provisions of this act. SEC. 2. On like application to the school commission er or township trustees (as the case may be,) he or they may, on giving like notice, order an election on any day of the year, Sundays excepted, to determine whether said lands shall be sold or not.

election which may have been held for that purpose, it

SEC. 3. The commissioner or trustees, (as the case may be,) shall enter in his or their book the fact that such petition was presented, with the object theroof, and the time of presentation.

Mode of voting.

SEC. 4. Each voter favoring the sale of such land, shall write on the ballot used by him in voting for a trustee or trustees, or for a sale, the word "sale," and if op posing it, "no sale."

SEC. 5. There shall be no sale of the congressional No sale unless a school lands in any township unless there are fifteen majority of township vote qualified voters resident therein, nor unless a majority for it. of the voters of the township vote in favor of such sale.

Sec. 6. If a majority vote in favor of a sale, the judges and clerks of the election shall within seven days thereafter file a certificate thereof with the school commissioner, in which shall be included the number of votes for and against said sale: and it is hereby made the duty of such commissioner to record in the books of his office all such certificates.

SEC. 7. The trustees of such township shall there-Trustees shall upon divide the lands so voted to be sold, into such lots divide lands. as will best suit purchasers, and insure the best price, fixing a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold. In case the lands thus valued by the trustees, after being offered for sale, shall remain unsold for two years, and a majority of the citizens of such town-Provision where ship, shall petition the trustees for a re-valuation of said lands fail to sell. lands, it shall be the duty of said trustees, to re-value said lands and fix the minimum price to each lot, which shall not be less than one dollar and twenty-five cents per acre.

SEC. 8. The clerk of said trustees shall forthwith certify such appraisal of lots, and also such divisions, if made, to the commissioner, who shall record the same at length in his books.

Sec. 9. The commissioner shall thereupon proceed to Commissioner sell such lots separately, at public auction, to the highest to sell. bidder, as hereinafter provided.

SEC. 10. The township trustees are authorized with Trustees may the consent of the lessee or person deriving title from cancel lease. him, to cancel or annul any unexpired lease, which avoidance shall be evidenced in writing, under the hands of such trustees and lessee, or person deriving title from him as aforesaid.

Sec. 11. Duplicate copies of such avoidance shall be taken, one of which shall be delivered to the lessee or person deriving title from him, and the other filed away and kept by the school commissioner and recorded in his book, an attested copy of which record shall be prima facie evidence of the contents of such avoidance.

Sec. 12. Any school lands subject to an unexpired Lands sold subject to an unexpired lands subject lease, may be sold, if under the provisions of this act it be so voted, but subject to such lease, the full benefit of which shall enure to the purchaser, his or her representatives, or assigns, and the same may be enforced in his or their names.

Sec. 13. The commissioner at least sixty days before to give notice of the sale by him of any school lands, shall post up notices thereof in three of the most public places in the township where the land is situated, at the court house door, and such other places as he may deem proper, and advertise the same in the nearest public newspaper thereto.

Sale, when and where held.

SEC. 14. Such sale shall be held at the court house of the county in which the lands are situate, between the hours of ten o'clock, A. M., and six o'clock, P. M., and may be adjourned from day to day, till the same is completed.

Commissioner

SEC. 15. Where school lands have been offered for may sell at pri-sale under this act, and remain unsold, the commissioner is required to sell the same at private sale for the best price that can be had for the same, not less than the minimum price thereof so fixed by the trustees.

Shall make re-

Sec. 16. The commissioner shall record every such sale in his book, setting forth the tract sold, when, to whom, and for what amount, and deliver a certified copy thereof under his hand, to the recorder of his county within five days thereafter, who shall record the same and certify a copy thereof to the board doing county business of said county.

Terms of sale.

Sec. 17. Every purchaser at such sale shall pay to the commissioner at the time thereof, one-fourth of the principal, and legal interest on the residue for one year in advance, and the residue in ten years after such sale, with legal interest annually in advance.

Sec. 18. Upon a failure to pay such interest or the on failure to pay residue of such principal within sixty days after the same becomes due, the rate of interest from the expiration of the said sixty days, shall be twenty per cent. per annum until paid; but upon failure to pay it within six months after it is due, the land, together with any and all previous payments made thereon and the contract of sale therefor shall be forfeited with the restrictions and limitations hereinafter expressed, to the congressional town ship to which the same belongs; and the commissioner upon such forfeiture shall forthwith proceed to re-sell the lands; such second sale being subject to the same [legal] regulations as the first; except as to the term of credit which shall not exceed the expiration of the time of the original sale; but if the commissioner by virtue of such second sale shall receive, taken together with the payments which have been made by the first purchaser, more than the full amount of principal, interest and costs, to which the township and its officers were entitled by virtue of the first sale, together with all incidental expenses, and the per centage for failure of payments as above

provided, it shall be the duty of the commissioner to hold such residue for the use of, and payable to the order of the first purchaser or his legal representatives: Provid-Proviso. ed, however, If the purchaser, or his legal representatives shall, before the sale of any land, by reason of said forfeiture, pay all interest and principal that is then due, together with all penalties, per centum, and costs, such purchaser or his representatives shall have the benefit of the original time of credit, the same as though no default

SEC. 19. If any person shall forfeit any lands as afore-Purchasers Ilasaid, purchased under the provisions of this act, he shall be for damages be liable for any damages he may have committed there-where land for forfeited. on by the unnecessary waste or injury of timber, or otherwise, to be sued for and recovered in the corporate name of the congressional township to which the same

SEC. 20. Such commissioner on receiving the first commissioner payment for lands sold under any of the above provi-shall give pursions, shall give the purchaser a certificate of such sale. cate.

SEC. 21. Any person bidding off any tract of land at Liability of pur. any such sale, and failing at the time to make the first chaser failing to payment as above required, shall be liable to pay ten per compy. centum on the sum so bid, to be recovered by said commissioner in an action of debt, before any justice of the peace, or in the circuit court having jurisdiction, in the corporate name of the township owning such land; and such commissioner, his deputy or agent, shall be competent witnesses in such action.

SEC. 22. Every purchaser holding a certificate of sale Right of possesas aforesaid, shall have the right of possession of the land sion. therein named, unless he shall forfeit the same as aforesaid, or the same be held by a prior unexpired lease, the lessee not consenting thereto.

SEC. 23. Upon full payment of principal and interest commissionerto for any tract of school land as herein required, the com-make deeds on missioner shall execute a deed of conveyance therefor to full payment. the purchaser, his heirs or assigns, in the corporate name of the congressional township to which the same belongs, noting the date of the execution of such deed in the books

Sec. 24. Should such purchase money be paid before the same is due with all interest then due thereon, such deed may be required forthwith, but no discount shall be made for prompt payment.

SEC. 25. Such deed when executed, shall vest in the need, effect of. purchaser or his assignee, as the case may be, his heirs and assigns forever, all the right, title, and interest of the inhabitants of the township to such land.

SEC. 26. Such deed shall be acknowledged as in other cases by such commissioner at the cost of the grantee. Shall be acknowledged.

SEC. 27. No assignment of any such certificate shall certificate, when be recognized by such commissioner, unless the same be acknowledged before him or some other officer of this state duly authorized by law to take acknowledgements of deeds.

Purchasers may pay part or all

valid.

SEC. 28. Purchasers of school lands shall have the privilege of making payment of one-fourth, one-half, three fourths, or all of said purchase money at the time of any annual payment for the same, and each purchaser shall be entitled to a receipt therefor from the proper school commissioner, and in such case said purchaser shall only be liable for the residue of the principal and interest upon the same when due.

Where certifi. eate of purchase shall have been lost, new one may be granted.

SEC. 29. That where any person shall have become the purchaser of any tract of school land, by virtue of the provisions of any law of this state, authorizing the sale thereof; and shall have received a certificate of purchase therefor, which such certificate such purchaser shall have lost, or the same shall have been destroyed by casualty, it shall be lawful for such purchaser to make affidavit of such loss or destruction before any person authorized to administer oaths, and after having given notice by three successive weekly publications in some newspaper printed in the proper county, or if none such be published therein, then in some newspaper published nearest thereto, together with at least three written notices, stuck up at three public places in the proper county, one of which places shall be on the door of the court house of such county, of his intended application, he may make application to the proper school commissioner; upon the presentation of which affidavit to said school commissioner, together with satisfactory proof of the said notice having been given, he shall issue to the person so applying a new certificate for the said tract of land so purchased by him, which shall have the same force and effect as the original certificate.

CHAPTER III.

Loaning school moneys.

SEC. 1. It shall be the duty of the school commissioner loan money, and within ten days after the same shall come into his hands, to loan out all moneys (except the interest or other money directed by law to be distributed for the support of schools, or for the building or repair of school houses) for

the highest legal rate of interest he can procure, not less than six per centum per annum, payable in advance, and for a term not less than one, nor more than three years.

SEC. 2. In loaning said moneys preference shall be giv- Preference given to applicants who are citizens and freeholders of the en to citizens of township to which the same belongs, if applied for within five days after the receipt of the same by the commissioner.

SEC. 3. To entitle any person to a loan of school funds, Money loaned, such applicant shall file with the commissioner the certifi-how secured. cate of the recorder of the county in which the lands proposed to be mortgaged on such loan are situate, shewing that the unincumbered chain of title to such lands on record in his office is regularly [derived] from the United Chain of title. States, or the state of Indiana, and that there is no mortgage, lien, or claim on such lands of record in his office, also the certificate of the clerk of the circuit court of the same county that there is no suit pending nor judgment of record in his office against such applicant, which shall be accompanied by affidavit of the applicant to be administered by said commissioner, that said land is free and unincumbered, and that the legal and equitable title thereof is in him, which affidavit shall be filed and preserved by the school commissioner.

SEC. 4. Provided, however, that if said applicant have Provision when only the final certificate and no patent has been issued no patent has isthereon, the affidavit of the applicant, made before and filed with the commissioner, together with the final certificate, shall authorize a loan on mortgage, the same as though the patent was issued and recorded in the recorder's office of the county: Provided also, that if the patent be issued by the government and is not in possession of the applicant for the loan, his affidavit that there is a patent granted to a particular person, shall be sufficient evidence of the fact.

SEC. 5. Said borrower may have said land appraised by Lands may be the trustees of the congressional township where the land appraised. lies, excluding buildings, and deducting any contingent claim of dower or of tenancy by courtesy, or if there be, for the time being, no trustees of such congressional township, then said land may be appraised by three respectable freeholders of such township;—and in either event, the said appraisement shall be made under oath, either before said commissioner, or some other officer authorized to administer oaths.

SEC. 6. The commissioner shall thereupon on taking a Amount to be mortgage, as hereinafter expressed, loan to such applicant loaned to each or joint concern, any sum not exceeding three hundred person. dollars, and not exceeding half such appraised value of

said land. But if the borrower does not procure the land to be appraised, then the commissioner shall loan on unimproved tracts, not exceeding seventy-five cents on each acre mortgaged, and on tracts one-sixth part of which is improved, not exceeding one dollar and twenty-five cents for each acre mortgaged.

SEC. 7. The funds so loaned on any mortgage shall be-

long to but one congressional township.

Appraisement &c., to be filed:

SEC. 8. Every such appraisement, certificate of a clerk or recorder and affidavit shall be, by such commissioner. carefully filed away and kept in his office.

cuted.

Duplicate mort. SEC. 9. Prior to loaning any such money, the appligages to be exe- cant shall execute duplicate mortgages, which may be acknowledged before the commissioner.

SEC. 10. One of the duplicate mortgages shall be filed and recorded in the recorder's office of the proper county, and the other retained and filed by said commissioner. and either of them shall be original evidence of the contents thereof.

applicants.

Commissioner to Sec. 11. Where there are more applicants than one decide between for the said money, the commissioner shall loan it to either at his discretion, upon the best terms of security offered.

Shall retain in-

Sec. 12. When such commissioner shall loan money under the provisions of this act, he shall retain one year's interest out of the loan, at the highest lawful rate per centum which can be procured, not less than six.

SEC. 13. There shall also be retained out of said loan, by such commissioner, the fees annexed to such of the following services as may be required in perfecting such loan, under the provisions of this act, that is to say:

Face

To each trustee or freeholder, for the appraisement of any land attempted to be mortgaged, - - - \$0 25 For recording any such mortgage, -----For entering satisfaction of record of the they same, ved goloshed bee enablind mile For writing the duplicate mortgages, --For taking the borrower's affidavit, - 12 For entry of receipt of first year's interest, - 25

SEC. 14. If any commissioner shall retain school money in his hands (a longer time than allowed by this act,) when the same could have been loaned on good security, he shall upon conviction thereof by presentment or indictment, be fined in any sum not exceeding five hundred dollars; and on such conviction there shall be a judgment of deprivation of office.

vertising the same for three weeks successively in the newspaper printed an.w. rarrand near out the said land,

if any her printed in his country which teste shall be at School lands sold, and lands mortgaged to secure the payment of school money loaned, may be taxed.

SEC. 1. Any school land hereafter sold under the pro-Lands sold not visions of this act shall not be exempt from taxation for exempt from state and county purposes.

SEC. 2. Such lands shall be liable to pay taxes for school purposes, and the personal property and other lands of the owners of such lands shall be liable for such

SEC. 3. The mortgager of land to secure the payment of school money loaned, and the purchaser of school lands, shall be liable to pay the state and county tax, and other taxes on the mortgaged lands, and the personal property and other lands of the mortgager, or purchaser of school lands, shall, in the order named be first liable for such taxes.

SEC. 4. If such taxes shall not be made therefrom, through either want or deficiency of personal property and other lands, the mortgaged lands shall be subject to the same provisions, as are other lands on which there is a failure to pay the taxes; subject however to the incumbrance of such mortgage, which lien of the township on such land shall have preference to the lien of the state or county for taxes. resident affiner in hislown, namo as such commissioner, or

which such residue belongs in which latter case such CHAPTER V. of Marke Indicate (Indicate (Indica

in the corporate name of the congressional township to

Sales by mortgage.

SEC. 1. If default be made in payment of any inter-Penalty for deest on any loan hereby authorized, for the space of six fault in payment months, after the same is due, such default shall be a fai- of interest. lure of further credit on said loan; and all the principal and interest thereon, shall be due and payable instanter.

SEC. 2. On such forfeiture for the non-payment of in-commissioner terest, or on a failure in the payment of the principal shall sell for within six months after the same becomes due, the commissioner shall forthwith proceed to sell for ready money, and as many the fee simple of the premises mortgaged in security therefor; giving at least twenty days' notice, of the time and place of sale, by posting up written advertisements thereof in three of the most public places in the township in which such land may be situate; and also by ad-

vertising the same for three weeks successively in the newspaper printed and published nearest the said land, if any be printed in his county: which sale shall be at the door of the court house or place of holding courts in the county: and upon such sale he shall retain out of the proceeds accruing from it the full amount of principal and interest unpaid on such loan, and five per cent. thereon for his trouble, and in addition to this the amount of such other costs as may accrue in making said sale, paying over any residue that may arise from it to the mortgager of such land, or his legal representatives; and in case such principal or interest as aforesaid shall not be paid within sixty days after the same becomes due, the rate of interest on such loan shall thereafter until the same is paid, or the mortgaged premises sold, be computed at the rate of ten per cent. per annum.

SEC. 3. Any mortgaged lands liable under the provisions of this act to be sold for any default of payment. may, if the mortgager be dead, be sold without any notice to his or her heirs or representatives, or others, except the advertisements provided for by this act. And the title of the purchaser, shall, in such case, be as valid

as though the mortgager was living.

SEC. 4. If the amount made on such sale be insufficient to pay the debt, interest, and costs, and per centum, such commissioner or his successor, shall immediately proceed by action of debt against such mortgager, or in the event of his death, against his legal representatives to recover the residue, either in his own name as such commissioner, or in the corporate name of the congressional township to which such residue belongs, in which latter case such commissioner shall be a competent witness.

Deed to purchaser.

Commissioner

bring suit.

Sec. 5. Upon such sale of mortgaged premises, each commissioner or his successor shall, on the reception of the purchase money, make a deed of conveyance to the purchaser of the lands so sold, which shall vest in him the right and title of such mortgager thereto.

Trustees may bid off land.

SEC. 6. The board of trustees of the congressional township to which such debt and interest belongs, may order a member of such board to attend the sale and bid for the land an amount not exceeding the aggregate of such debt, interest, costs, and per centum, should no other person bid an amount equal to such aggregate.

Order to bid to be recorded.

SEC. 7. Such order shall be recorded by the clerk of said board in his books, a certified copy of which in his hand shall authorize the member thereby appointed and holding the same to bid as aforesaid.

Commissioner to SEC. 8. Should such member bid off such land as aforesaid, such commissioner shall execute to the inhabi-

tants of said township a deed of conveyance therefor, which shall vest in said inhabitants as such body politic and corporate the right and title of mortgager thereto.

SEC. 9. Such land shall afterwards be subject to the same provisions of this or any other law to which the sixteenth section of any congressional township is made

subject.

SEC. 10. Should such land be bid in by order of such Costs, how detrustees as aforesaid, such cost shall be defrayed out of frayed. any school moneys belonging to such township, and their amount may be retained by such commissioner out of any such moneys which may then or thereafter be in his hands, he keeping a regular account thereof.

CHAPTER VI.

School commissioner making distribution of school moneys.

SEC. 1. It shall be the duty of the school commis-Commissioner to sioners of the several counties in this state, on the first pay over money of March and States in this state, on the first pay over money to treasu-Mondays of March and September in each year, or with-rer in five days thereafter, to pay over to the treasurers, (or their authorized agents,) of each organized township of his county, the distributive share of each township of the interest money, or other money in his hands, for distribution; such distribution shall be made as is hereinafter directed.

SEC. 2. The school commissioner shall pay over the interest money arising from the sale of school lands, or interest belonging to each township derived from its own proper funds, to the treasurer of the township, or his authorized agent, upon the order of the township trustees; which order shall be signed by the trustees and attested

by the clerk of such township.

SEC. 3. The school commissioner shall likewise, at the times above specified, pay over to the several township treasurers, or their authorized agents, applying therefor, the interest arising from the surplus revenue; from the tax on delinquent lands, or other county funds; dividing these funds in proportion to the number of children between the ages of five and twenty-one years in each township and portions of townships of his

SEC. 4. The enumeration of the children shall be fur- Enumeration of nished by the township treasurers. (See chapter en-children. titled "duties of township treasurers.")

Where there is among townships.

SEC. 5. In case no such enumeration be furnished the no enumeration school commissioner, he shall divide the same equally moneys equally among the several townships, and where a congressional township is divided by a county line, the commissioner shall divide an equitable proportion according to the territory of said township which is in his county.

Provision where Sec. 6. If any township shall fail for the term of one township tails to year to draw for its proportion of the interest of the surplus revenue, or other funds to be distributed as a county fund, (excepting always the interest on money arising from the sale of school land belonging to the township specially.) the school commissioner shall, at the next semiannual period thereafter, distribute the same to the townships applying for funds to support schools.

SEC. 7. But whenever such townships as fail to draw for their proportion, shall make application for the same for the support of schools, the commissioner shall divide

to them as to other townships.

Commissioner shall take receipt.

SEC. 8. In all cases the school commissioner shall take a receipt on the back of the order of the township trustees, from the person receiving the funds for the several trainall be the data of the townships.

Shall file receipt.

Sec. 9. Such receipts and orders he shall carefully file away as his vouchers, and record the orders in his book as credits to him against the townships.

Sec. 10. In counties where no congressional township is organized into school districts, the school commissioner shall loan the interest of the surplus revenue, or such other funds which may come into his hands of the nature of a county fund, keeping a separate account thereof.

SEC. 11. But as soon as any portion of his county is organized, and the township treasurers at the proper period demand a distribution, he shall make a distribution

thereof, as directed in the preceding sections.

SEC. 12. The school commissioner shall, prior to the demand interest. first Mondays of March and September of each and every year, demand and receive from the person appointed to loan the surplus revenue in his county, the interest in his hands, or knows off of the over the liver avoir a or their mithorized agents, applying therefor,

tax on delineuent lands; or other county under dividing these funds in ... vu satter the number of children between the ages of he and twenty-one years

as interest arising from the surplus revenue; from the

cit to equinawot lo en Suits. bus- quitenvot done at

SEC. 1. The white inhabitants of each congressional Inhabitants of township in this state shall be, and they are hereby constiownships incortuted a body politic and corporate by the name and style porated.

of "the inhabitants of congressional township No. north or south (as the case may be,) in county or counties." (as the case may be.) and in such corporate capacity they may sue and be sued, plead and be impleaded.

Sec. 2. The process against such incorporation shall be by summons, which being executed on any trustee or clerk thereof, hereinafter mentioned; the further proceedings shall be the same as against natural persons.

SEC. 3. The trustees may devise and procure a cor- Trustees to proporate seal for their congressional township, which may cure a seal. be altered or renewed at pleasure, until which time any of their acts or proceedings requiring it, shall be authenticated by the scroll or ink seal of their clerk, which shall have the effect of such corporate seal.

SEC. 4. The trustees of any congressional township, in May sue for Inthe corporate name of their township, may sue and recover jury done, &c. on any cause of action accruing to the inhabitants of the township in their corporate capacity, by reason of any injury done to school houses, school lands, or otherwise, whether such cause of action accrued before or after the commencement of their official character.

SEC. 5. No statute of limitations shall be pleadable in Statute of Ifmiany suit brought by any school commissioner in his offi-tations no bar.

cial, or by any township in its corporate, capacity.

SEC. 6. In all cases where any suit is necessary to be Suit, how brought against any person in any school district for fail-brought. ing to perform any duty; or to pay any assessment of tax for building or repairing a school house in such district, or for failing to perform any labor thereon, it may be brought in the name of the district trustees without setting forth their individual names. It of reflected toerdus

SEC. 7. That in actions by or against the inhabitants Resident citizen or trustees of any township or school district, in their competent with respective representative or corporate capacities, any person who may be a resident citizen or inhabitant of such county, township, congressional township, or school district, shall not by reason thereof be deemed incompetent to give evidence in such action, but the testimony of such resident, citizen or inhabitant shall be received in all such suits at law or in equity, subject to other legal rules of evidence, in the same manner as if such person had no interest in the event of such suit.

ship three trustees who shall hold their offices for the

Election of teast to Sec. al. to There shall annually the elect Q in each town.

distribution of congressional low using THOO TO VIGUOU AT (CHAPTER VIII. 28) 11002 TO 11103

Townships and districts acquiring and selling land.

quire land by gift, &c.

SEC. 1. Any school district or congressional township may acquire a piece of land by devise or gift, or by sale or conveyance pursuant to the vote of the district or township meeting, which land shall enure to the sole benefit of the district as the same may be changed from time to time forever. Indicate page 1

Township may sell land.

Sec. 2. Any congressional township may by vote decide that any parcel of land conveyed to its inhabitants by devise, gift or sale, shall be sold, on which decision the commissioner shall sell and convey the same, and the proceeds shall form part of the school funds of the township.

Terms of sale.

Sec. 3. In making such sale the commissioner shall, as near as practicable, pursue the plan laid down for the sale of other school lands, except that he shall require

the whole purchase money in hand.

Sec. 4. Any district meeting may decide that any land, and how parcel of land conveyed to its inhabitants shall be sold, and may prescribe the terms and manner of such sale, in which case the district clerk shall sell the same, and make a conveyance thereof under his hand and seal in the name of the inhabitants of such district, which instrument shall vest the interest of such district in the land in the purchaser thereof, his heirs and assigns forever.

Donations.

Sec. 5. Donations or devises of personal property being made to any school district, such property shall be subject thereafter to the entire control of such district.

Deeds, &c. to be recorded.

Sec. 6. All deeds, mortgages, or other conveyances of real estate provided for by this act, shall be acknowledged and recorded the same as other conveyances, and for the fees prescribed by this act.

ent to give evidence in such action, but the testimony of oh resident, citizen IX. nazita de received in

such suits at law or in equity, subject to other ledone it as to Election of township trustees. To solure len

person had no interest in the event of such suit. Sec. 1. There shall annually be elected in each township, three trustees who shall hold their offices for the Election of trusterm of one year, from and after the last Saturday of August of each year, and until their successors are appointed or elected and qualified.

SEC. 2. The election for the purpose of choosing such where and trustees shall be held on the last Saturday of every Au-when held. gust, as near the centre of each congressional township as is convenient.

SEC. 3. The school commissioner for the first such Notice of elecelection, and the township trustees for each subsequent tion, how given one, shall cause written notices to be posted up in three of the most public places in the township at least twenty days previous to the same, specifying the object and place thereof.

Sec. 4. Such commissioner or trustees shall, at the Inspector of same time, appoint an inspector of such election, enter election ap. the same of record, and in due time forward to him a

certified copy of such appointment.

SEC. 5. On failure of the appointment of such inspector May be appointor of his attendance as soon as two o'clock P. M. on the ed by voters. day of such election, or of his being qualified and acting as such, then a majority of the voters present shall appoint

an inspector in his place.

SEC. 6. The time and manner of opening, conducting Mode of conand closing said election, the mode of appointing the ducting election. judges and clerks thereof, and the several liabilities appertaining to them and the voters separately and collectively. shall be the same as are prescribed in an act entitled "an act to regulate general elections," approved February 17, 1838, subject to the provisions of this act so far as applicable, but the opening of such election on the day appointed, as late as two o'clock P. M., shall not render such election illegal.

SEC. 7. No person shall give a vote at a township meet-Qualification of ing unless he possess the qualifications of a voter at the voters.

general elections.

Sec. 8. No person shall hold the office of township trus- of trustees. tee unless he be a resident householder, or a resident freeholder of the township, a citizen of the United States, and shall also have been a resident of the state for the space of one year next preceding the election.

SEC. 9. In case of a tie at such elections, it shall be de- In case of tie, termined by lot, on the day of election, by the judges and determined by

clerks thereof.

SEC. 10. The judges and clerks of such election shall. within seven days thereafter, certify to the school commissioner under their hands, the persons elected trustees of such township, together with the determination by lot, (if made.) and also deliver to him the list of voters and tally papers.

SEC. 11. Such commissioner shall enter every such certi-Certificates of ficate in his record book, and shall thereupon give a certifi- whom given. cate of election to each person entitled to receive the same.

SEC. 2. The election for the purpose of choosing such where and trustees shall be held ox sarqaha aturday of every Au when held.

gust, as near the centre of each congressional township In what cases township trustees may be appointed by the school commissioner. at off series school commissioner. election, and the township trustees for each subsentiant for, low given

commissioner.

When township SEC. 1. It shall be the duty of the school commissioner to appoint trustees in all congressional townships that have no school land, and in townships in which the school land will not sell for the minimum price prescribed by law; which trustees shall appoint one of their body treasurer.

Duty of town. ship treasurer.

SEC. 2. Such treasurer so appointed, shall take an enumeration of all the children in the organized districts, within thirty days from and after his appointment, and make report of the number in each particular district, showing which districts are organized and which are unorganized, to the school commissioner of the proper county, for which he shall receive a reasonable compensation, to be allowed by the board doing county business, and to be paid out of the school fund.

township trus-

Commissioner to SEC. 3. The school commissioner shall fill all vacancies fill vacancies of in the office of township trustee that may occur between the annual elections, by appointing persons of like qualifications; which appointment shall, by the commissioner, be entered of record, and a certified copy of it be given to the person so appointed. Sensitivoral on the societies all

SEC. 4. The school commissioner, on therequest of any three persons of his county, shall appoint three trustees for any township which may never have elected trustees, to serve until the last Saturday in August next ensuining, and until their successors are duly elected and qualified.

Sec. 5. Should there be no commissioner, then the board doing county business shall make such appointment.

Sec. 6. When any of the township trustees shall fail or neglect to act or discharge any of the duties of their office as such, the school commissioner; or officer acting as such, may remove such delinquent trustee, and fill such vacancy by appointment of some other suitable person who shall act until his successor shall be qualified according to the provisions of this act, entering such removal and appointment upon the books of his office, and furnishing such person so appointed with a certificate thereof.

SEC. 7. Should the township be situate in two or more counties, the board of either may make such appointment, the first appointment having the preference.

Sec. 8. The trustees in the last three sections mentioned shall be removable, and their vacancies filled at pleasure, by the power which appointed them.

cate of election to each person entitled to receive the same.

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school commissioners and if the same shall appear to Duty of township trustees. Duty and and over

of trusteer such board may remove such trustee or board SEC. 1. Each township trustee shall, before entering upon the duties of his office, take an oath that he will Township trus. faithfully discharge the duties of his said office, to be ad-tess shall take ministered by the school commissioner or some justice of oath. the peace.

Sec. 2. Said trustees shall annually appoint one of their number as clerk, who shall ex-officio act as president of shall appoint a their board, and any vacancy in his office shall be filled by clerk.

said trustees from their own body.

SEC. 3. Said clerk shall, at the instance of either of his co-trustees, or as often as in his opinion their duties may Duty of clerk. require, convene such board, after notice to them, first given, at such time and place as is convenient, and shall sign their recorded proceedings at each meeting, and keep a fair and true copy of the same.

SEC. 4. They shall without delay divide their township into school districts, each of such size and limits as shall divide will be most convenient for the use of all its inhabitants. township.

SEC. 5. They may on the petition of a majority of the voters of any district, sub-divide or change the size or May sub-divide. limits of the same as convenience may require. And the trustees of any two or more adjacent townships, may if convenience shall require it, form a district out of parts of each of such townships. And the treasurer of such district shall draw from the township treasury of each township, of which the district is formed, a due proportion according to the number of children resident in each part of said district in conformity to this act. And the trustees of each township out of which a district is so formed, shall describe and record the part of their township making part of a district, in the books of their township clerk.

SEC. 6. An accurate description of each school dis-Description of trict, regularly numbered, shall be recorded by the clerk district to be reof the trustees in his book.

SEC. 7. The books, papers, and accounts of any town-Books subject to ship trustee, or board of trustees, shall be subject to the inspection. inspection of the board doing county business in the county in which the commissioner having jurisdiction over the township resides, three days notice thereof having been given by process issued by the clerk of said board, on the petition of five freeholders or householders of the township, and such books, papers or accounts shall, if the same upon inspection appear to the satisfaction of the board to be false or improper, be corrected in the

Commissioner may remove

manner heretofore pointed out in regard to the books of school commissioners; and if the same shall appear to have been fraudulently made so by such trustee or board of trustees, such board may remove such trustee or board of trustees and order an election to fill such vacancy until the next regular election.

Lands may be leased.

Sec. 8. The township trustees shall have power to lease any school lands belonging to their congressional township, for any term not exceeding three years, payable in money or property, or improvements to be made thereon, or for the shortest time possible not exceeding ten years.

Trustees may

SEC. 9. During the existence of any such lease, such distrain for rent, trustees shall have and exercise all the rights and privileges of landlords in coercing the fulfilment of contracts, distraining for rent and preventing waste or damage to the land leased, either in their official names or the corporate name of the township.

Shall receive money, and sel property.

Sec. 10. The trustees shall receive all moneys accruing to their township from leases or otherwise, and shall preserve all personal property and rents in kind belonging or accruing to said township, from lease or otherwise, and may sell such property from time to time in such manner as will best promote the interest of their township.

CHAPTER XII.

Township trustees drawing interest for the use of schools.

for interest.

Sec. 1. The township trustees shall semi-annually on tees shall draw the first Mondays of March and September, or within three days thereafter, draw upon the school commissioner for any interest of moneys belonging to their township, copies of which order shall be recorded by the clerk in his book.

School commis-

SEC. 2. Upon the presentation of such orders signed sioner shall pay by the trustees and attested by the clerk, the school commissioner shall pay the same, and file them away in his office, as his vouchers for the payment thereof.

When drawn for.

SEC. 3. The trustees shall not make any draft unless the inhabitants of at least one district of their township, shall have determined to establish a public school therein, or unless one or more householders may have employed a teacher as provided for in a subsequent the same apon fuspection appear portion of this act. the board to be false or improper, be corrected in the

CHAPTER XIII.

Township trustees shall appoint township treasurer.

SEC. 1. The township trustees shall annually appoint Township treaone of their body as treasurer of their township, in whose surer. hands shall be placed from time to time, all rents, issues, profits, interest, debts and damages belonging to such township, except as is otherwise herein provided.

Sec. 2. Any vacancy occurring in the office of treasurer shall be filled by the trustees from their own body.

Duties of township treasurer.

SEC. 1. Every treasurer before entering into the du-shall give bond. ties of his office, shall give bond payable to the state of Indiana, with freehold securities to the acceptance of the commissioner, in such penalty as he may require, making the same as nearly double the amount that may come into his hands as may be, conditioned for the faithful discharge of the duties of his office, and for the delivery to his successor of all moneys, papers, books, and property in his hands as such treasurer.

SEC. 2. Such treasurer shall be liable to removal from May be remov. office by the commissioner, upon failing to give such rea-ed. sonable security as he may from time to time require, or upon conviction by indictment for malconduct in office.

SEC. 3. Each township treasurer shall annually, on Shall report an the first day of the May term of the board doing county nually. business, report to the board the amount of school funds and property under his care, with a statement of the notes, accounts, debts, and credits of such township; the name of each lessee of land belonging to the inhabitants of said township; the amount of rents when, and in what way payable; the current expenditures of said township, and the funds of said township in the hands of the school commissioner of the county; the amount of interest received from the commissioner, and the amount received by virtue of "an act to provide a fund to encourage common schools," and an act in furtherance of said act, and a statement of the amount by him paid over and to whom; and such statement shall be filed away by the clerk of said board doing county business.

Sec. 4. Each township treasurer failing to perform Punishment for the duties and requisitions contained in the last preceding neglect of duty; section, shall, on conviction thereof by indictment, be fined in any sum not exceeding one hundred dollars, and shall moreover be liable on his bond or otherwise to the in-

habitants of his school township for all damages occasion ed by such failure; and upon such conviction it shall be a part of the judgment of the court, that said treasurer be removed from office, and that he deliver all moneys, papers, books, and property in his hands as such treasurer. to his successor, to be forthwith appointed, upon receiving an attested copy of such judgment from the clerk of said court, by the remaining trustees of the proper township; which newly appointed treasurer shall act as trustee of said township until the next annual election, and until his successor is elected and qualified.

inspection.

Books subject to Sec. 5. The books, papers, and accounts of any township treasurer, shall be subject to the inspection of the board doing county business of the county in which the commissioner having jurisdiction over the township in which he resides, three days' notice thereof being given, by process issued by the clerk of said board, on the petition of five freeholders or householders of the township, and the same shall be subject to correction for the cause, and in the manner heretofore pointed out in regard to the books of the school commissioner, and township trustees.

Shall make distribution of funds.

Sec. 6. It shall be the duty of the township treasurer each year, to make a dividend and distribution of the school funds in his hands, on the second Mondays of March and September, or within five days thereafter, which dividend shall be made to each school district in due proportion to the number of persons in each, between five and twenty-one years of age.

Where school is discontinued proportional part may be re-

Sec. 7. In cases where a school has been commenced in a district, and by reason of the sickness of the teacher, or from other unavoidable accident, the school is discontinued before the expiration of three months from its commencement, upon satisfactory proof being made thereof to the township treasurer, he shall allow such district its proportional amount of the funds of the township, taking into account the length of time such school so discontinued was kept. William ed lo asnoissimo

CHAPTER XIV.

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Duty of township treasurer in relation to weak districts, and other districts failing to draw their portion of money.

Conditions on which money

Sec. 1. All school district that do not support a school in which the number of children between the ages of five

and twenty-one years, does not amount to twenty-five, may be drawn shall notwithstanding, be entitled to receive their propor- where schools are not support tion of the money in the manner following: After a dis-ed. trict is laid out the township treasurer shall open an account with each district that does not contain twentyfive children between those ages, and give to it credit for its proportion of the dividend for each year, and until one year after such number of children amounts to twenty-five.

SEC. 2. The township treasurer shall loan the funds Money may be of any such weak district for one year at a time, at the loaned. best legal rate of interest that he can obtain on good security, taking notes signed by at least three good freehold securities.

SEC. 3. If within one year after the number of chil-Provisions dren in a district between said ages amounts to twenty-where school is five, or at any time after the year before the distribution of year. of the money, such district supports a school not less than three months in the year, it shall be the duty of the township treasurer, so soon as the same is paid into his hands by the borrower, to pay over to the district treasurer the whole of such reserved funds and the interest that shall have accrued thereon.

SEC. 4. Nothing in the preceding section shall be so Funds may be construed as to prevent any such district at any time drawn at any from drawing their proportion of the funds of the town-school house. ship, to aid them in building a school house.

Sec. 5. After the expiration of one year from the When funds first enumeration, when any such district has twenty-five other districts. children between the ages of five and twenty-one years, if at the next division of money thereafter, such district has not supported a school at least three months, or drawn their funds to build a school house, the township treasurer shall divide the funds and the interest that may have accumulated thereon, between the other districts, or persons, in the townships that have supported a school or are about to build school houses.

Sec. 6. If an organized district shall for the term of one year fail to draw its funds at the next subsequent division of money thereafter, the treasurer shall distribute the funds accruing to such district between the other districts as directed in the foregoing section.

differ his to suship or other duties en be activities compensation to be retained out of the townis trensition shall be recorded by the township clerk; and a

CHAPTER XV.

does not amount; to twenty his may be drawn

Township treasurer shall make enumeration of children in certain cases.

SEC. 1. If any district of a township fail to furnish treasurer shall make enumera. the township treasurer with an enumeration of the children between the ages of five and twenty-one years, by the first Monday of February in each year, the township treasurer shall make such enumeration himself or by de-

Compensation.

Sec. 2. The township trustees shall allow him a reasonable compensation therefor, to be paid out of the fund of such district.

Shall report to school commissioner.

Sec. 3. To enable the school commissioners to make a dividend of the surplus revenue, the township treasurer shall report to the school commissioner the number of persons between the ages of five and twenty-one years in his township; such enumeration shall be furnished en or before the third Monday of February in each year.

Duties where township is divided.

SEC. 4. Where any township is divided by a county line, it shall be the duty of the treasurer of such township to report at the time above specified, the number of persons between five and twenty-one years of age of the proper county wherein such persons severally reside.

SEC. 5. The treasurer of such township shall pay the interest, arising from the surplus revenue which he may receive, to the treasurers of those districts of his township, formed of the territory of the county whence they are derived.

chapter xvi.

Fees of township treasurer.

Township treasurer's fees.

Sec. 1. The township trustees shall allow the township treasurer a reasonable compensation for his services, either for travelling out of his county for school money for his township, or other duties enjoined on him by this act. His compensation to be retained out of the township money.

SEC. 2. All such orders of allowance to the township treasurer shall be recorded by the township clerk; and a certified copy given to the treasurer as his voucher.

SEC. 3. The county commissioners shall allow the Compensation to township trustees a reasonable compensation for their township trusservices, to be allowed out of the township funds and paid tee. by the township treasurer. To preside a digital policele

ludges to shall San 5. The judges and clerks shall, within roven

days coruly rothered it with the nown ship trustees the num-CHAPTER XVII.

School districts.

Sec. 1. Each school district, organized under this act, school districts shall be a body corporate, by the name and style of bodies corpo-"School district number of township in range rate.

in the county of and state of Indiana," and in that name capable of suing and being sued, and of bolding such real and personal estate as is authorized to be purchased or received by the provisions of this act, and of selling the same.

SEC. 2. Whenever any suit shall be brought against suit, how any school district, the process shall be by summons, a brought. copy of which shall be left with the treasurer of said district, at least five days previous to the return day thereof. we was a library every light and compared to a southern

coSect 400 Alf or ent of the district trustees shall be re-CHAPTER XVIII.

and until their successors are elected and litro bus

Election of district trustees.

SEC. 1. The qualified voters of each district shall, on the District trustees, first Saturday of October annually, elect three district trus-how elected. tees thereof; Provided, that if the qualified voters fail or neglect to elect township trustees, as prescribed by law, it shall be the duty of the school commissioner of the proper county to appoint trustees: And provided also, that if the qualified voters of any school district fail or neglect to hold the annual election for district trustees, or make the return thereof according to law, it shall be the duty of the proper township clerk to appoint such trustees.

SEC. 2. Ten days previous to the first election in any Notice to be giv. district, the township trustees shall post up, at some pub-en. lic place in the district, written notice of the election; and the district trustees shall post up like notice for each subsequent election.

Sec. 3. The voters at each election shall appoint their own inspector.

SEC. 4. The election for district trustees shall be subject to the same provisions to which an election for the township trustees is subject, except that the result of the election shall be certified to the township clerk.

Judges &c. shall certify to clerk of trustees.

SEC. 5. The judges and clerks shall, within seven days certify to the clerk of the township trustees, the number of votes given for each person, together also, with the determination by lot, if any, and also deliver to him a list of the votes and tally papers.

Sec. 6. Said township clerk shall enter every such certificate in his record book, and shall thereupon give certificate of election to each person entitled to receive the

Term of service. SEC. 7. Each district trustee shall serve for one year and until his successor is qualified, and shall take an oath of office, which may be administered by the clerk of the township trustees.

Qualification.

Sec. 8. No person shall be elected or appointed a district trustee unless he be a citizen of the United States, reside in the district, and shall have resided in the state one year next preceding his election.

Vacancies, how filled.

SEC. 9. Vacancies in the office of the district trustees shall be filled by the clerks of the township trustees, and trustees so appointed, shall serve until the next election, and until their successors are elected and qualified.

SEC. 10. All or any of the district trustees shall be removable from office, by a majority of the householders and freeholders who are voters of the district, at any of their meetings, and any vacancy or vacancies thereby occasioned, shall be filled at the same meeting by a majority of the votes.

SEC. 11. The clerk of the township trustees shall appoint three district trustees in any district in which no district trustees have been elected, who shall hold their

offices until their successors are qualified.

Rooks subject to inspection.

SEC. 12. The books, papers and accounts of any district trustee or board of district trustees shall be subject to the inspection of the board doing county business of the county in which the commissioner, having jurisdiction over the district resides, three days notice thereof being given by process issued by the clerk of such board on the petition of five freeholders or householders of the district; and the said books, papers, and accounts, shall upon such inspection, be subject to the same rules and regulations as are in this act provided in relation to the books of school commissioners, township trustees, and township treasurers.

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Duties of district trustees.

SEC. 1. They shall appoint one of their own body as shall appoint clerk, who shall keep a record of their proceedings and of elerk. the district meetings.

SEC. 2. They shall, when requested by five voters of the shall call dis. district, call a meeting of the voters as near the centre of trict meetings the district as is convenient, of which ten days previous notice in writing shall be posted up in some public place in the district, unless in case of emergency, when personal notice shall be given to each voter. They may also, in their own discretion, call meetings giving like notice.

SEC. 3. The district clerk, or in his absence, one of his who shall prefellow district trustees shall preside at such meeting, and side. and side. take the vote viva voce by ayes and noes or by count, on such questions as any voter may propose, touching the building, or adopting a school house, procuring a site therefor, the materials, dimensions, and workmanship of such house, its location, the support of a public school for a term not less than three months in each year, the employment of a teacher, and other things pertinent to the objects and welfare of a common school.

SEC. 4. If a majority present are in favor of supporting puty of clerk. a school, or of building or adopting a school house, the district clerk shall copy their decision on those points from the proceedings entered by him in his book, and deliver the same to the township clerk who shall enter the same of record, rouses bus will non dilwa sasibal lo etak edi

SEC. 5. The district trustees shall make the contracts Duty of trustees. and give such personal attendance as may be necessary to carry into effect the vote of such meeting. In our office

SEC. 6. The district trustees, in the absence of any directions of the district meeting, may contract with a teacher that the inhabitants sending to his school shall pay a gross sum per month, per quarter, or per year; and in that case each shall pay in proportion to his sending to school, use of all Rada

SEC. 7. The district trustees may, in the absence of instructions aforesaid, stipulate with the teacher that each inhabitant may make his, or her own contract by subscrip-

Sec. 8. But in either and all such cases, each inhabitant shall be entitled to his share of the school funds adjusted as provided for by this act. and to comphive sight smiring

SEC. 9. In all cases where a teacher has been prevented Teacher's place from teaching the full term, for which he was employed, by may be supplied. reason of sickness or other good cause, his place may be

supplied by another, to be selected by the district trustees; and each such teacher shall be paid for the time he rendered service, upon satisfactory proof being made of such

Trustees shall keep record.

service. SEC. 10. The district trustees shall keep a list entered of record of the names of all the inhabitants of the district, entitled to vote at the meetings thereof, with the number of children in each family between five and twenty-one years of age; which lists shall be corrected from time to time, and a copy thereof sent to the township treasurer prior to the first Monday in February annually; and such list shall be filed with the township clerk.

SEC. 11. The township clerk shall give a certified copy of the names of the voters on such list, to any person asking the same, on the tender to him of twelve and a half

cents.

Shall appoint treasurer.

SEC. 12. The district trustees shall annually appoint one of their body a district treasurer, who shall serve until the expiration of his office as district trustee, and until his successor is qualified.

SEC. 13. Vacancies in the office of district treasurer shall be filled by the district trustees from their own body. Shall fill vacan-

CHAPTER XX.

control in the or adopting a school house. District treasurer.

the toylob bar slood, and manin yd benene Shall give bond. SEC. 1. The district treasurer shall give bond payable to the state of Indiana, with penalty and security to be ap proved by the township clerk, making the penalty thereof as nearly double the amount that may, from time to time, come to his hands, as may be conditioned for the faithful discharge of the duties of his office, and for delivering over to his successor at the close of his term of office, all moneys, property, books and papers in his hands as such trea-

Shall take oath. Sec. 2. He shall also take an oath faithfully to discharge the duties of his office, which oath may be administered by the clerk of the township trustees, or by a justice of the peace.

Sec. 3. The bond aforesaid shall be filed away and safely kept by the township clerk, who shall record the Bond to be filed. same in his book, a copy of which certified, shall be prima facie evidence of the original without its production, and suit may be brought on such bond or copy for the use of the district for school purposes, for any breach of the same, and occurred poor route to seemle to nosse

SEC. 4. The district treasurer shall demand, receive, His duty. and safely keep the moneys and personal property belonging to his district, and appropriate the same as required by law, keeping a regular account of all receipts and expenditures.

SEC. 5. The books, papers, and accounts of any dis-Books subject to trict treasurer shall be subject to the inspection of the board doing county business of the county in which the commissioner having jurisdiction over the district resides.

SEC. 6. The district treasurer shall carefully file away Shall file orders. and preserve all orders of the district trustees for the

payment of money.

SEC. 7. The district treasurer, upon the order of the Shall pay over district trustees, shall pay over the money in his hands to money. the teachers of schools, as is directed in the chapter entitled "meetings of the inhabitants of school districts."

Sec. 8. Upon a like order of the district trustees, he shall pay over to whomsoever directed such moneys in his hands as may be by any district meeting or otherwise appropriated to the building or repair of a school house, or for the purchase, or leasing of a site therefor.

SEC. 9. Such orders to the district treasurer, shall be signed by the trustees, and attested by the district clerk.

CHAPTER XXI.

Meetings of the inhabitants of school districts may be called pursuant to notice of the district trustees.

(See chapter entitled duties of district trustees.)

SEC. 1. Any five voters who are householders or free-Five voters may holders, may call a meeting, by posting up, in three of call a meeting. the most public places in the district, written advertisements signed by their names; such notice must be ten days previous to such meeting.

Sec. 2. The proceedings of no district meeting shall be held as illegal for want of a due notice, unless it shall appear that the omission, to give such notice, was wilful and fraudulent.

SEC. 3. No person shall vote at a district meeting, qualification of unless he possesses the qualification of a voter at the voters. general elections.

SEC. 4. Whenever lawfully assembled, the qualified Powers confervoters in each district shall have power, and the red upon voters.

First. In the absence of the district clerk and other district trustees, to appoint a chairman and clerk.

Second. To adjourn, from time to time, as may be necessary; to designate, by a vote of a majority, a site for a school house, and to change the same by a vote of two thirds at any regular meeting.

Third. To purchase or lease an appropriate site, and to build, hire, or purchase a school house, and to levy a tax for the payment thereof, as is hereinafter provided, not exceeding two days work, and twenty-five cents on every one hundred dollars valuation of property; to alter, modify, or repeal their proceedings as occasion

may require.

Fourth. After a school house shall be built or leased, they may, from time to time, impose such tax as may be required to keep the school house in repair, and to provide therefor the necessary appendages; expenses for fuel shall be a tax on the inhabitants sending pupils to school, in proportion to the number of pupils and the time of sending to school.

Fifth. To order and direct the sale of any site that may belong to the district, whenever the school house shall have been removed or a new one adopted; and they may order the sale of such other property and build-

ings as may belong to the district.

Sixth. To determine the length of time (which shall not be less than three months) that a school shall be kept, and to fix the amount of money, in addition to its distributive share, which may be raised for the support of teachers; but in all cases where it is proposed to levy a tax for the payment of a teacher, for a longer period than three months in any year, it shall require the votes of two-thirds of the voters, of the district, to authorize such tax to be levied.

Seventh. They may determine that all, or a portion of their distributive share of the school funds, may be applied to the building, repair, or leasing of a school house,

or to the purchase of a site therefor.

Eighth. They shall allow the district trustees, or any one of them, a reasonable compensation for their services performed in capacity of treasurer, clerk, assessor, collector, or otherwise, to be paid by the treasurer out of

any money belonging to the district.

Ninth. They may direct the trustees to contract with a teacher to keep a school not less than three months in each year: in making such contract it may be stipulated by the trustees, that the teacher shall be paid by the year-by the month-by the quarter, or at a given price for each pupil, either for the whole term of a quarter, or in proportion to the time sent, as may be determined on by the meeting.

In all cases in which the public money is drawn for the support of a school, such money shall be paid to the teacher by the district treasurer, upon the order of the district trustees, signed by them and attested by the clerk. In cases of the employment of a teacher, where it is agreed that the teacher shall receive a given price for each pupil, and the public [funds] accruing to the district are insufficient to pay the whole amount of tuition, the district treasurer, in paying the same to the teacher, shall require him to credit each employer with his proportion of the public funds received by such teacher; and in making such allowances to the credit of the employers, such credit shall be to each in proportion to the number of pupils and the time sent.

CHAPTER XXII.

District meetings may levy tax to support schools or build a school house.

SEC. 1. A majority of the voters of a school district Every voter may may decide by vote, that every able bodied male person, be required to work on school being a freeholder, shall contribute two day's work to-house. ward building a school house.

SEC. 2. Any person failing, after two week's notice, Person failing to to comply with the requisition of his district, made by work or pay vote as aforesaid either by performing two days labor may be sued. vote as aforesaid, either by performing two days labor on the school house, or by the payment of one dollar and fifty cents in money; or by contributing materials of that value, shall be liable to pay for the use of such district the sum of one dollar and fifty cents, to be recovered by the district trustees in their official capacity, on suit brought by them before a justice of the peace with cost of suit.

SEC. 3. In addition to the foregoing tax of labor, a Taxon property, district meeting may determine by a vote of a majority, how levied. that a tax be levied on the property in the district subject to a state and county tax, for the building and repair of a school house, or for the purchase of a site therefor, or for the support of a school for three months in any

SEC. 4. But if it be proposed likewise, to levy a tax to support a school for a term exceeding three months, a vote of two-thirds of the voters shall be requisite to au-

thorize such tax.

SEC. 5. The tax so levied shall be ad valorem, and Shall be ad va. charged upon the property subject to state and county lorem.

taxes in the district; such tax shall not exceed in any one year twenty-five cents for every one hundred dollars valuation of property.

Assessor ap. pointed.

Sec. 6. If a district meeting decide to levy such tax, it shall be the duty of the trustees within five days thereafter to appoint one of their number assessor of the district.

His duties.

Sec. 7. The assessor shall within twenty days after the date of his appointment, make an assessment or list of all the property of his district subject to state or county taxes, with the valuation thereof, and annexed to the name of the owner.

Rule of valuation.

SEC. 8. Such valuation shall be according to the rule adopted for the valuation of property assessed for state and county purposes.

Sec. 9. No property shall be twice assessed in any

one year.

Sec. 10. The property of negroes and mulattoes shall

not be assessed for school purposes.

Lands of nonresidents may be taxed.

SEC. 11. Land belonging to non-residents of the district, and lying within the same, may be taxed as any other land in the district, for the purpose of building a school house.

Duty of district

Sec. 12. The assessment roll shall, within the period clerk on return above named, be returned to the district clerk, and he shall make a certified transcript thereof, affixing to the name of each person the amount of tax such person shall pay, and hand the same over to the collector of the district, within five days thereafter, which shall be his warrant for the collection of the taxes charged therein.

Sec. 13. Such certified transcript shall be prima facie evidence that the tax therein annexed to each person's

name is due from such person.

Collector to execute bond.

SEC. 14. Before any collector shall undertake the collection of taxes, as in this act provided, he shall execute a penal bond, in double the amount of the tax by him to be collected, with such freehold security as may be approved by the township clerk, conditioned for the faithful performance of the duties of his office, and shall take an oath, to be administered by said clerk, to faithfully discharge said duties.

SEC. 15. Such bond shall be filed away and preserved by the township clerk, and an attested copy thereof shall be prima facie evidence of its contents, in any court in which suit may be thereafter brought upon such bond.

Trustees shall appoint collec-

Sec. 16. The district trustees shall appoint the treasurer, or some one of their number, collector of the district.

Collector's duty.

Sec. 17. It shall be his duty to collect all taxes assessed upon the taxable property of his district, within sixty days after he shall receive the assessment roll.

SEC. 18. In case any person shall neglect or refuse to May collect by pay such tax when called on, it shall be the duty of the distress and sale. collector, to collect the same by distress and sale of the goods and chattels of such person, wheresoever found in said district; having first published such sale for at least ten days, by posting up a notice thereof in three public places in the district.

SEC. 19. In the collection of taxes upon lands and Shall return detenements, the collectors shall make returns of delinquen-linquents. cies to the county treasurer, or other officer to whom delinquent lands, for the non-payment of state and county taxes are returned: such return shall be made within seventy days after the collector shall have received the

assessment roll.

SEC. 20. In making such return, it shall be the duty Shall give deof the collector, to set forth the description of the lands scription of deor town lots, (as well as he can describe them,) distinguishing such as are owned by residents, and also such as belong to non-residents, and also the names of such non-residents, if he can ascertain such names; and the officer to whom such return is made shall enter the same on his books, charging such persons, and the lands and town lots, with the amount of school taxes due thereon, and such taxes shall be collected as the state and county tax is collected.

SEC. 21. Such officer to whom such lands, or town Duty of officer to lots shall be returned, or who is by law directed to sell whom delinland for the non-payment of taxes, at the first subsequent returned. annual period of collecting state and county taxes, (if such school tax be not paid,) shall in the same manner, and under the same restrictions as are provided for the sale of lands and town lots be sold for such school taxes as may be due thereon, together with the same penalty, interest, and costs, as lands are chargeable with in case of a sale for the non-payment of the state and county taxes.

SEC. 22. The lands and town lots returned as above Lands returned provided, may be redeemed at any time before the sale for taxes may the proof the company the redeemed. thereof, the owner or his agent paying the full amount of taxes, interest, penalty, and costs. The owner of lands or town lots which may be sold for school taxes shall be entitled to the same privilege of redeeming the same, as is provided in the case of lands sold for state and

county taxes.

SEC. 23. But the lien of the state and county on lands Preference of for taxes shall have preference of the lien of a school dis-lien. trict.

SEC. 24. Taxes thus collected by sale of land, shall be Taxes to be paid paid over to the treasurer of the school district in which surer. such lands are situate.

paid by labor.

SEC. 25. Any person, with the consent of the district trustees, may discharge his tax for the building or repair of a school house, by labor, furnishing the materials, or otherwise, as may be agreed upon.

Taxes shall not be levied after school house is built.

SEC. 26. After said school house is built, and the expenses thereof paid, no person shall be liable to have his property listed, nor pay any taxes, (unless he intends to, or does participate in the benefit of the school fund,) but shall be allowed to send to such school free from any other tax than his just proportion of the necessary labor, materials, or money wanting from time to time to rebuild the school house or keep it in repair, he fulfilling his own contract with the teacher for tuition, fuel, and contingencies, as in other cases.

Receipt.

Sec. 27. All persons paying taxes of any kind, shall be entitled to a receipt therefor from the person receiving the same.

CHAPTER XXIII.

Inhabitants of one district sending to another district.

May have the privilege of sending to school out of his township.

Sec. 1. Any inhabitant in whose district there is no school, or any inhabitant of an unorganized district, or who is so situated as to render it inconvenient to send to the school of his or her district, may, by the consent of the trustees of his or her township, and of the trustees of the district where such person is desirous of sending, have the privilege of sending to any other district school in his or an adjoining township.

Teacher shall keep list of pupils, &c.

SEC. 2. The teacher in such cases shall keep a list of all pupils who are not residents of his district, and at the expiration of every three months, or on such pupil's quitting school, shall give to the persons sending, a certificate of the number of days so sent, which shall be verified by his affidavit, before a justice of the peace or the treasurer of the township where such person resides.

SEC. 3. Upon the presentation of such verified certificate such inhabitants shall be entitled to draw from the treasurer of the district in which such person may reside, so sending to school, the same proportion of the school funds that he or she would have been entitled to receive, had he or she sent to a school in his or her own district.

Sec. 4. But [such] inhabitants shall not be liable to perform any labor, or deliver any materials, or pay any other tax to which the other inhabitants of his district are liable, as voted by them in their district meeting.

SEC. 5. The inhabitants of an unorganized district Inhabitants of sending to school as above provided, shall be entitled to unorganized disdraw from the treasurer of his township, upon the certiproportion of ficate of the teacher as above directed, the same propor-funds. tion of the distributive fund of the township that persons in the organized districts of the same township are entitled to; which sums shall be credited to the township, and charged to such district by the township treasurer.

CHAPTER XXIV.

Inhabitants keeping a private school may draw their proper proportion of school funds.

SEC. 1. If the inhabitants of any school district shall one or more fail to elect district trustees, or if the district trustees fail householders to call a meeting for the purpose of establishing a school; teachers in ceror if a meeting has been called without resulting in an tain cases. agreement to support a school, any one or more householders may employ a teacher, either male or female, to teach his or their children, and the children of others in the district who may wish to send upon such conditions as he or they can agree upon.

SEC. 2. The teacher so employed must have a certifi-Teacher must cate from the school examiners, that he or she is qualifi-have certificate of to touch reading writing and to the touch reading writing and to the touch reading.

ed to teach reading, writing, and arithmetic.

SEC. 3. The teacher so employed shall beep a list of Shall keep a list the pupils sent to school by each employer, and the town- of pupils. ship treasurer shall, on the presentation of such list, sworn to, and the certificate of the examiner, pay to each employer his or her proportion of the township fund.

Sec. 4. Should the inhabitants of such district com- Private school mence a school, the private school aforesaid shall cease shall cease when at the end of the current quarters or if continued languages district school at the end of the current quarter; or if continued longer, commences. the employers of the teacher shall not be entitled to a dividend therefor out of the township treasury.

CHAPTER XXV.

Of non-residents of the State and Districts.

SEC. 1. Persons who are not residents of the State Non resident shall not be entitled to draw any portion of the school persons shall not fund thereof school lands to be paid by the purchaser.

SEC. 2. Persons not residents of the State shall not be school without entitled to attend the schools organized under the proviconsent of trus- sions of this act, without the written consent of all the district trustees of such school.

> SEC. 3. Persons who may temporarily take boarding in any district or township for the purpose of attending a school therein, shall, as to the privileges of such school, be deemed non-residents.

CHAPTER XXVI.

School Examiners.

Circuit court to

Sec. 1. It shall be the duty of the circuit court of each county to appoint three suitable persons as examiners of common school teachers, who shall hold their offices for one year, and until their successors shall be appointed and qualified.

Shall take oath. SEC. 2. Each examiner shall take an oath or affirmation that he will make true certificates according to the provisions of this act.

Examiners duty. Sec. 3. It shall be the duty of each examiner to examine such persons as may apply for that purpose, and certify to the branches of learning that each applicant is qualified to teach.

SEC. 4. The district trustees may, if they think proper, require certificate from exam. require any teacher presenting himself or herself for employment, to procure a certificate from the school examiners, stating the branches he or she is qualified to teach.

SEC. 5. The district trustees shall not employ any have good moral person as a teacher of a district school, unless they are satisfied that such person has a good moral character.

CHAPTER XXVII.

Fees.

The following fees shall be allowed for services rendered under this act.

School Commissioners Fees.

School commissioner's fees.

SEC. 1. For each certificate of purchase of school lands to be paid by the purchaser, Taking an acknowledgement of the assignment

of any such certificate, to be paid by the p	er-
Each entry of payment of principal or interest	
Tour by mullipare or on a number of 1	C. C. Carlotte and C. C. Carlotte and C. C. Carlotte and C. C. Carlotte and C.
lands to be paid by the person making payme Making a deed for purchaser of school lands, be paid by the payor.	nt, 25 to
Para Dy the mirringen	75
For entering satisfaction of mortgage,	A STATE OF THE PARTY OF THE PAR
Advertising sale in a public newspaper, to be tained out of the proceed.	The state of the s
tained out of the proceeds of the sale, the mount charged by the printer.	a-edirects to standing
Any other advertisement required by law in	
Pashe hewspaper, the cost of the same	
The two last items to be allowed by	or west a
sounds, as the case may be, doing country b	iu.
Taking each acknowledgement for the loan school money	of
SEC. 2. The county board shall allow the so	chool com- Annual allow-
the county treasury	aid out of
SEC. 3. The commissioner shall retain out of the following appeared fees:	Court I
To each trustee for the appraisement of any	land con re-
templated to be mortgaged, For recording the mostgaged,	\$0 25 out of loan.
the more base.	O.F
acknowledgement of loan	101
witting duplicate mortgages	50
For taking borrower's affidavit, For entry of payment of first years interest,	$12\frac{1}{2}$
or payment of first years interest,	25
Page July TI	

Recorder's Fees.

of recording a deed of out to the inhabitants of	\$0	25	Recorder's fee	28.
a township or school district,		$12\frac{1}{2}$		

Township Clerk's Fees.

SEC. 5. For a certified copy of the names of the voters of any district, work work Township cl'ks \$0 121 fees.

SEC. 6. Each township trustee shall have for the appraisement of any school land contemplated to be mortgaged,

SEC. 7. The county commissioners, shall also allow other compenthe township trustees a reasonable compensation for other sation. services to be paid out of the money belonging to the township.

CHAPTER XXVIII.

The following forms may be used in the cases to which they are applicable.

Commissioner's Certificate of Sale.

Commissioners certificate of sale.

Sec. 1. A B having this day purchased the (here describe the land sold) being part of the school section belonging to congressional township number (north or south as the case may be) in range number (east or west as the case may be) in county, Indiana, for the sum of dollars and cents, of which he has dollars and cents, being one-fourth part of the purchase money, and one year's interest in advance on the residue of the principal, which is dollars and cents, and payable in ten years from this date, together with six per centum interest thereon annually in advance. And if full payment of said principal and interest be made within ten years from this date, then the said A B, his assigns or representatives, shall be entitled, to a deed in fee simple for said tract in the name of said township. But on failure to pay said interest for any year, or the residue of said principal for six months after either becomes due, and also interest at the rate of twen-

purposes.

Witness my hand and seal this day of , 18 .

Commissioner, (Seal.)

ty per cent. per annum after either principal or interest

has been due sixty days, until paid, the said tract and all

payments therefor made thereon, and this contract of sale shall be forfeited and revert to the said township for school

Deed for Congressional township of land sold by the Commissioner.

beed for land sold.

SEC. 2. Whereas A B, or his assigns, (as the case may be) has paid the sum of in full for the quarter of section number in township number of range number (or otherwise describing the land) containing acres. Now know ye that in consideration of the premises and in conformity with the statutes in such case made and provided, I, C D, school commissioner for the county of , for and in the name of "the inhabitants of congressional township number ," (here describe the township so as to identify it) do give and grant the

and to his heirs and assigns forever.

C D school commissioner,

, to the said AB, county (seal.)

Wortgage. Med one

SEC. 3. I, A B, of the county of , Indiana, do Mortgage. hereby mortgage, assign over and transfer to commissioner of the school lands in the county of and his successors in office, for the use of congressional township, in range , the following described land, to wit: (here describe it) to secure the payment of the sum of years from date with interest thereon payable in advance annually, I do agree that said land, and all my title, interest and claim therein, may be exposed to sale, if any part of such principal and interest or of either of them, be not paid at the time the same or either of them for any part thereof shall] become due as herein stipulated, or within six months thereafter, for the payment of all the principal and interest in arrears, with five per centum damage thereon and all costs: And I hereby acknowledge myself bound for the payment of any deficiency in the amount of principal, interest and costs, and after such sale, to be recovered by such commissioner or his successor in office by action of debt in any court of competent jurisdiction.

In witness whereof I have hereunto set my hand and seal this day of in the year

A B, [seal.]

Deed of land donated or sold to any school district or congressional township.

SEC. 4. Whereas, the inhabitants of congressional township number , (here describe the township) or donated or sold the inhabitants of school district number , (here describe the district) are in want of a piece of land on which to erect a school house, or for school purposes, (as the case may be) now therefore know ye, that I, A B, in consideration of the premises, (in case of a gift) or in consideration of the premises and dollars to me in hand paid, the receipt whereof is acknowledged, (in case of sale) for myself and my heirs forever, have given and granted, and do hereby give and grant unto all persons while inhabitants of such township or district, (as the case may be) the following parcel of land, (here describe it) to their exclusive benefit, use, and behoof forever.

A B, [seal.]

beload stress presents Scaled

Bond of district treasurer.

District treasu-

SEC. 5. Know all men by these presents, that we, A B and C D, are held and firmly bound unto the state of Indiana, in the penal sum of dollars, to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators firmly by these presents. Sealed with our seals, this day of

The condition of the above obligation is such, that, if the above bounden A B, who has been appointed treasurer of school district number , township number

, range number , in the county of , shall faithfully discharge the duties of said office, and at the close of the term thereof, shall deliver to his successor all books, papers, money, and property in his hands as such treasurer, then this obligation to be void; else remain in full force and virtue.

[seal.]

Approved by me

, township clerk.

Bond of township treasurer.

Township trea.

SEC. 6. Know all men by these presents, that we A B, C D, and E F, are held and firmly bound unto the state of Indiana in the penal sum of dollars, to the payment of which, we bind ourselves, our heirs, executors, and administrators firmly by these presents. Sealed with our seals, this day of , 18.

The condition of the above obligation is such, that if the above bounden A B, the treasurer of township, in range, in the county of, or in the counties of, (as the case may be,) shall well and truly perform the duties of his office as treasurer of said township, and shall deliver over to his successor in office, all moneys, books, papers, [and property] in his hands as such treasurer, then this obligation to be void; else to remain in full force and virtue.

[seal.]

The above bond and security accepted by , school commissioner.

School commissioner's bond.

Commissioner's SEC. 7. Know all men by the presents, that we, AB, bond. CD, EF, GH, IJ, KL, MN, are held and firmly

bound unto the state of Indiana, in the penal sum of ten thousand dollars, to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Sealed with our seals, this day of

The condition of the above obligation is such, that if the above bounden A B, who was elected (or appointed) school commissioner for the county of , shall truly and faithfully discharge the duties of his said office, and deliver over to his successor in office, all property, moneys, books, and papers that may come to his hands as such commissioner, then this obligation to be void and of no effect, otherwise to remain in full force and virtue in law.

Attest:

[seal.]

Teacher's certificate of the tuition of non-resident scholars.

Sec. 8. I, A B, teacher of the school district number Teacher's certification, in township in the country of do ficate.

certify that C D, of township or district of township has sent children to this school since amounting in the aggregate to days.

Given under my hand and seal, this day of 18.

Oath on the back of the preceding certificate.

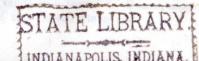
SEC. 9. State of Indiana, county of : } ss.

Personally appeared before me, a justice of the peace of the county aforesaid, (treasurer of township in the county aforesaid) A B, the within named teacher, who subscribed the within certificate before me, and being by me duly sworn, says the within certificate is true.

Given under my hand and seal, this day of 18.

Form for an examiners' certificate for a district teacher.

Sec. 10. I or we, examiner or examiners of teachers Examiner's cer. of common schools for the county of , having extrict teacher. amined J W, touching his or her qualifications to teach a



common school, do certify that he or she is well qualified to teach [here insert the branches of learning.]

Given under my hand or our hands, this day of

no 1.18 kg. 166 satasana sasar va vinana

A B,) CD, Examiners. (beliniogua to) Beteele daw onw & E F,) auco evoda t

Examiners' certificate for a person that is to teach an unorganized school.

Certificate for ganized school.

SEC. 11. I or we, examiner or examiners of teachers teacher of unor- of common schools for the county of , having examined X Y, touching his or her qualifications to teach a common school, do certify that he or she is capable of teaching [here insert the branch or branches,] and further, that we consider him or her well qualified to teach a common school.

Examiners.

Certificate of consent that the scholars may be received at the district schools, not living in the district or township.

consent to receive scholars out of township.

Sec. 12. We, , trustees of township , in range , in the county of , do hereby give our consent that J D shall send the children under his care to the school of district number , in township in said county.

Given under our hands and seals, this day of

Trustees.

Certificate of consent to receive non-resident scholars into a school. Thoma with a come

Non-resident scholars.

SEC. 13. We, , trustees of the school district number , in township , in the county of , do hereby consent and agree that J K, of the township , or the district of township of , may send the children under his care, to-wit: R, S, T, and W, to the school of this dictrict. Given under our hands and seals, this dodday of day.

Trustees.

he person or officer as the case may bed Oath of the district treasurer.

SEC. 14. I, A B, solemnly swear or affirm that I will Oath of district faithfully, and to the best of my understanding and abili-treasurer. ties, perform the duties of treasurer of school district Signed

Oath of school commissioner.

SEC. 15. I, A B, solemnly swear or affirm, that I will Oath of commisfaithfully, and to the best of my understanding and abili-sioner. ties, perform the duties of school commissioner for the

Signed

Oath of township treasurer.

SEC. 16. I, A B, solemnly swear or affirm, that I will Outh of townfaithfully and to the best of my understanding and abili-ship treasurer. ties, perform the duties of treasurer of township , in the county of the same and the range

Signed

Oath of township trustee.

SEC. 17. I, A B, one of the trustees of township num- oath of townber , in range , in the county of , do ship trustee. solemnly swear, that I will faithfully and to the best of my abilities, perform my duty as such trustee.

Sworn to and subscribed before me, this day of school commissioner.

Oath of district trustee.

SEC. 18. I, A B, trustee of district number in town-Oath of district ship , range , in the county of , do solemnly trustee. swear that I will faithfully discharge the duties of trustee of said district to the best of my abilities. A. B.

Sworn to and subscribed before me, (here add the title, whether clerk of the township or justice of the peace.)

Affidavit for loaning money.

Sec. 19. I, A B, do solemnly swear that a patent or Affidavit for deed for the (here describe the land) was issued to Cloaning money D, from the general land office of the United States (or

the person or officer as the case may be.)

Sworn to and subscribed before me, this day of commissioner.

I, A B, do solemnly swear that the following land (here describe it) has been paid for to the United States (or to the person or officer, as the case may be,) and no patent has been issued thereon that this deponent knows of.

AB.

Township treasurer's report.

Township treasurer's report. SEC. 20. I, A B, treasurer of township number , in range number , in the county of (or counties of) , do hereby represent to the board of county commissioners, that I have under by care belonging to said township, dollars and cents, personal property of the value of dollars and cents, notes against the following persons, of the following sums, to-wit:

Accounts and debts due said township from the follow-

ing persons, and of the following sums, to-wit:

AB, has leased for years ending on day for (here describe the rent, and in what payable.) Said township expended the last year for the sum of dollars and cents. There is now in the hands of the school commissioner of said county belonging to said township the sum of dollars and cents; said township has received from the commissioner during the year past, of interest, the sum of dollars and cents; by virtue of "an act to provide for a fund to encourage common schools," and an act in furtherance of said act, the

sum of dollars and cents.

Given under my hand this day of 18, AB.

township treasurer.

An order to draw money for building a school house.

Order to draw money. SEC. 21. We, AB, CD, and EF, trustees of the school district number , in township number , range number , of lands sold at , in the county of , do hereby order and direct that our portion of the funds of said township shall be applied to the building of a school house in said district, and we wish the township treasurer for that purpose to pay it over to G. H, the district treasurer.

AB, [seal.]

C D, [seal.] E F, [seal.]

Recorder's certificate of title.

SEC. 22. I, A B, recorder of the county of , do here-Recorder's cerby certify that by the books of my office it appears that tificate.

C D, has a deed for (here describe the land,) from , who has a deed from , and that a patent for said land in the sum of from the United States is on record in my office, and that there is no mortgage, lien, or claim against such land of record in my office.

Given under the land of recorder in my office.

Given under my hand and seal this day of AB, [seal.]

Recorder of county.

Bond of collector.

SEC. 23. Know all men by these presents that we, A collector's bond. B, and C D, are held and firmly bound unto the state of Indiana, in the penal sum of dollars, to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents; sealed with our seals, this day of

The condition of the above obligation is such, that if the above bound A B, who has been appointed collector of school district number , township number , range number , in the county of , shall faithfully discharge the duties of said office, and well and faithfully pay over to the treasurer of said district, such money as may come to his hands as such collector, then this obligation to be void, else remain in full force and virture.

Approved by me.

[seal.]
Township clerk.

CHAPTER XXIX.

Library.

SEC. 1. It shall be lawful for any school district that District may supports a school at least three months in the year, to have a library have a library for the use of the children, teachers, parents and guardians, to be purchased under the direction of the district trustees, and to be governed by their bylaws, rules and regulations, and recorded in the book of the district clerk, not inconsistent with the laws of this state.

Sec. 2. Such library may be procured by voluntary How to be prosubscriptions, or the inhabitants of any district may deter-cured. mine by a vote whether they will raise any given sum not exceeding twenty dollars in any one year for such purpose,

by a tax on the ad valorem plan, in which vote they shall determine the per centum on the hundred dollars worth

of property.

Notice.

SEC. 3. There shall be notices posted up in three of the most public places in the district, three weeks preceding the time and place of election to raise a tax for a library.

Tax when and how levied.

Sec. 4. No such tax shall be levied unless the aforesaid notices have been given expressing the object of the election, proved by the affidavit of some person of the age of twenty-one years or upwards, to be administered by the district clerk previous to opening such election.

SEC. 5. Nor shall such tax be levied unless a majority of all the householders and freeholders residing in the dis-

trict vote in favor of it.

Election how conducted.

SEC. 6. Such election shall be conducted in the same way that other district elections are conducted, and if the result is in favor of a tax for a library, the judges and clerks shall certify the same to the clerk of the township trustee, who shall record the same in his books, and make out duplicate assessment rolls in conformity to the result of such elections.

Assessment how made.

SEC. 7. The township clerk in making out his assessment rolls, shall estimate the value of the property of each person by the latest list taken of property for the purpose of levying a state and county tax.

Tax how col. lected.

Sec. 8. One of such duplicate assessment rolls shall be given to the district treasurer, who shall thereby be authorized to collect the same, and shall have power to coerce the payment by seizing and selling personal property in the same manner that the collectors of state and county revenue are authorized to seize and sell personal property for the non-payment of taxes.

paid over.

Sec. 9. If any such district as aforesaid at any legally propriated for library and how authorized meeting by a majority of the householders and freeholders of the district determine that they will appropriate any part of their proportion of the school fund in the township treasury not exceeding one-fourth for the purchase of a library, or for the increase of a library already begun, the result of such vote shall be certified by the judges and clerks of the election to the clerk of the township, who shall record the same in his book, and such record shall be a sufficient voucher to authorize the township treasurer to pay over to the district treasurer the sum so voted to be appropriated for a library.

Librarian.

Sec. 10. Such district shall have power to appoint a librarian to take charge of, and keep the books of such library, who shall be subject to such rules and regulations as the district may, from time to time prescribe. one year for such purpose,

CHAPTER XIL

An Act regulating the time of holding courts in the first judicial circuit, and for other purposes.

[APPROVED, JANUARY 29, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Times of hold-State of Indiana, That the courts in the first judicial ing courts in 1st circuit shall be holden on the following days and times, to-wit: In the county of Tippecanoe on the third Mondays in February and August; in the county of Warren on the Mondays next succeeding the court in Tippecanoe county; in the county of Fountain on the Mondays succeeding the courts in Warren county; in the county of Montgomery on the Mondays succeeding the courts in the county of Fountain; in the county of Clinton on the Mondays succeeding the courts in the county of Montgomery; in the county of Carroll on the Mondays succeeding the courts in the county of Clinton; in the county of White on the Mondays succeeding the courts in the county of Carroll; in the county of Jasper on the Mondays succeeding the courts in the county of White; in the county of Benton on Thursday after the courts in the county of Jasper. The said courts at each term thereof, in the county of Tippecanoe, shall sit eighteen days if the business require it. The courts in the counties of Fountain, Montgomery, and Carroll, shall sit twelve days each, if the business require it; and the courts in the counties of Warren, Clinton, and White shall sit six days each, if the business require it; and the courts in the county of Jasper shall sit three days; and the courts in the county of Benton shall sit three days, if the business in each of said two last counties require it.

SEC. 2. That the board doing county business in the selection of jucounty of Carroll shall select grand and petit jurors for rors. the next term of said circuit court at their March session, 1841, in the same manner that grand and petit jurors are now selected by the existing laws, which selection shall be as valid in law as if the same had been made at the May session as required by law.

SEC. 3. Whenever it shall happen that the day fixed Provision, when by law, for the holding of the sessions of the courts doing courts clash.

county business shall fall within the periods prescribed by this act for the holding of the sessions of the circuit courts, then shall the sessions of the courts doing county business be accelerated to the Monday previous to the sittings of the circuit court, and when it shall so happen

that the times fixed by law for the sessions of the probate court shall fall within the period prescribed by this act for the session of the circuit court, then the sessions of the probate court shall be postponed to the Monday subsequent to the time hereby fixed for the termination of such circuit court.

Process, how returnable, &c.

SEC. 4. All process made returnable unto any of the circuit courts of the respective counties aforesaid to the times heretofore fixed for holding of the sessions thereof, shall be and the same are hereby declared and made returnable to the first days of the terms of said court as fixed by this act; and all parties, persons, and officers are hereby required to take notice of the changes of the terms of the boards doing county business, and probate courts which may be produced, and all the transactions of business, and the discharge of all duties, official or personal, shall be accelerated or postponed to the time or times to which, by this law, the times of such courts may be accelerated or postponed.

Repeal.

SEC. 5. All laws or parts of laws coming within the purview and meaning of this, be, and the same are hereby repealed. This act to be in force from and after the passage thereof, and shall be published in the Indiana Journal; and the secretary of state is required to forward copies of this act, to the clerks of the courts of Carroll, White, Jasper, and Benton counties, forthwith after the passage thereof.

CHAPTER XIII.

An Act regulating the times of helding circuit courts in the several counties of the second judicial circuit within the state of Indiana.

[Approved, February 10, 1841.]

Second circuit.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the times of holding the circuit courts within the second judicial circuit of this state shall hereafter be as follows, to-wit: In the county of Scott on the third Mondays of February and August; in the county of Jackson on the fourth Mondays in February and August; in the county of Orange on the second Mondays of March and September; in the county of Washington on the fourth Mondays of March and September, and on the second Monday of June; in the coun-

ty of Harrison on the second Mondays of April and October; in the county of Floyd on the fourth Mondays of April, July, and October; in the county of Clark on the second Mondays of May and November. The court in the county of Scott, shall sit at each term six days, if the business require it; in the counties of Jackson, Orange, Washington, and Harrison, [the court] shall sit twelve days at each term, if the business require it; in the county of Floyd the court shall sit at the July terms, eighteen days, if the business require it; and at the April and October terms thereof, shall sit twelve days at each term, if the business require it; and in the county of Clark the court shall sit at each term thereof, so long as the business shall require it.

SEC. 2. It is hereby made the duty of the secretary of state to furnish to the clerks of the respective counties of the second judicial circuit, certified copies of this act as soon as practicable.

SEC. 3. This act to be in force from and after its publication in the Indiana Journal.

CHAPTER XIV.

An Act fixing the time of holding courts in the fourth judicial circuit.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Fourth circuit. State of Indiana, That the times of holding the courts in the fourth judicial circuit shall henceforth be as follows: In the county of Dubois on the third Mondays in February and August; in the county of Pike on the fourth Mondays in February and August; in the county of Gibson on the first Mondays of March and September; in the county of Posey on the second Mondays of March and September; in the county of Vanderburgh on the fourth Mondays in March and September; in the county of Warrick on the third Mondays of April and October; in the county of Spencer on the fourth Mondays of April and October; in the county of Perry on the second Mondays succeeding the courts in Spencer county; and in the county of Crawford on the Mondays succeeding the courts in Perry county. And the said circuit courts shall sit, in all the counties in said circuit, six days, if the

business require it, except in the county Vanderburgh, in which the court shall sit eighteen days, and the counties of Posey and Spencer, in which the court shall sit twelve days, if the business in said counties require it.

Process.

SEC. 2. All process made returnable to any of the circuit courts aforesaid at the times heretofore fixed for holding the sessions thereof, shall be returnable to the first days of the terms of said courts as fixed by this act. And all the transactions of business and the discharge of all duties, official or personal, shall be postponed, or accelerated to the times to which by this law the terms of said courts are respectively postponed or accelerated.

This act to be in force from and after its passage and

publication in the Indiana Journal.

CHAPTER XV. 1945 by delines long

An Act to fix the times of holding the courts in the sixth judicial circuit.

[APPROVED, FEBUUARY 13, 1841.]

Sixth circuit.

Sec. I. Be it enacted by the General Assembly of the State of Indiana, That the several courts in the sixth judicial circuit, shall be holden annually hereafter at the times following, to wit: in the county of Wayne, on the first Monday in March, and the fourth Monday in August; in the county of Union, on the third Monday succeeding the commencement of each of the Wayne courts; in the county of Fayette, on the second Monday succeeding the commencement of each of the Union courts; in the county of Rush, on the second Monday succeeding the commencement of each of the Fayette courts; in the county of Henry, on the second Monday succeeding the commencement of each of the Rush courts; and in the county of Decatur, on the second Monday succeeding the commencement of each of the Henry courts; in the counties of Union, Fayette, Rush, Henry and Decatur, the courts shall sit twelve days at each term, if the business require it, except that in the county of Decatur, at the next spring term, the court shall sit so long as the business may require; in the county of Wayne, the court shall sit eighteen days at each term if the business require it. The first term of each of said courts in each year, shall be denominated the "Spring term," and the second term, the "Fall term."

SEC. 2. All process, and papers of every description, is- Process. sued, served, or executed, with a view to any of said courts being holden at a time different from that herein provided, shall be taken and construed in all things as having reference to the provisions of this act, and shall be valid in all respects as they would be, were no change herein created.

SEC. 3. So soon as possible after the passsage of this secretary to foract, the secretary of state shall cause a certified copy ward copy. thereof, to be filed in each of the clerks' offices in said circuit, and the act shall be in force in each county, from and after the filing aforesaid.

CHAPTER XVI.

An Act to amend an act attaching Decatur county to the sixth judicial circuit, and for other purposes, approved February 14, 1840.

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter the spring term of the Terms. Decatur circuit court, shall commence the second Monday after the commencement of the court in Henry, and shall continue in session, as long as the business shall require. The fall term shall commence the second Monday after the commencement of the court in Wayne, and shall sit two weeks, if the business shall require it.

SEC. 2. It shall be the duty of the secretary of state, to forward a copy of this act to the clerk of the Decatur circuit court immediately after its passage.

This act to be in force from and after its passage.

CHAPTER XVII.

An Act fixing the times of holding courts in the eighth judicial district.

[Approved, February 1, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the courts in the eighth judicial

Eighth circuits district of the state of Indiana, be holden as follows: In the county of Cass on the fourth Monday in February and August, and hold its session for two weeks; in the county of Miami on the Monday succeeding the Courts in Cass; in the county of Wabash on the Monday succeeding the courts in the county of Miami; in the county of Whitley on the Monday succeeding the courts in the county of Wabash; in the county of Huntington on the Monday succeeding the courts in the county of Whitley: in the county of Allen on the Monday succeeding the courts in the county of Huntington, and hold its session for two weeks; in the county of De Kalb on the Monday succeeding the courts in the county of Allen; in the county of Steuben on the Monday succeeding the courts in the county of De Kalb; in the county of Lagrange on the Monday succeeding the courts in the county of Steuben; in the county of Noble on the Monday succeeding the courts in the county of Lagrange.

Pending pro ceedings.

SEC. 2. That all pleas, plaints, prosecutions, recognizances, actions, motions, or other proceedings either civil or criminal, which are now pending, or may be hereafter pending before this law is in force, shall be taken up and acted on at the first term of such court to be holden under this act, and be disposed of according to law, in the same manner as if no alteration had been made in the time of holding such court.

SEC. 3. That the Secretary of State shall forward to each of the above counties a copy of this act.

SEC. 4. This act shall be in force from and after its passage and publication in the Indiana Journal and Democrat.

CHAPTER XVIII.

An Act supplemental to an act fixing the times of holding circuit courts in the eighth judicial circuit.

[APPROVED, FEBRUARY 13, 1841.]

Sec. 1. Be it enacted by the General Assembly of the Eighth circuit, State of Indiana, That the circuit court for the county of Huntington shall be held on the Mondays succeeding the courts in the county of Wabash; in the county of Whitley on the Mondays succeeding the courts in the county of Huntington; in the county of Allen on the

Mondays succeeding the courts in the county of Whitley; in the county of Noble on the Mondays succeeding the courts in the county of Allen; in the county of Lagrange on the Mondays succeeding the courts in the county of Noble; in the county of Steuben on the Mondays succeeding the courts in the county of Lagrange; in the county of De Kalb on the Mondays succeeding the courts in the county of Steuben. In each of the above named counties the courts shall sit one week, if the business thereof require it, except in the county of Allen, where it shall sit two weeks, if the business require it. This act to be in force from and after its passage and publication in the Indiana Journal. And it is hereby made the duty of the secretary of state to forward a copy of this act to the clerk of the circuit court in each of the counties above named.

SEC. 2. All process issued from any of said courts Process. shall be deemed and taken as returnable at the respective times of holding the several courts above named, and shall be valid and effectual in law in respect to the time when the same shall be returned.

CHAPTER XIX

An Act to regulate the times of holding courts in the several counties in the ninth judicial circuit.

[APPROVED, JANUARY 20, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Times of hold State of Indiana, That the circuit courts in the several ing courts in 9th counties in the ninth judicial circuit, shall be holden on the days and times following, to-wit: In the county of Lake on the last Mondays of February and August: in the county of Porter on the Thursdays succeeding the courts in the county of Lake; in the county of Laporte on the first Mondays of March and September: in the county of St. Joseph on the fourth Mondays of March and September; in the county of Marshall on the second Mondays of April and October; in the county of Fulton on the Thursdays succeeding the courts in Marshall; in the county of Pulaski on the third Mondays of April and October; in the county of Kosciusko on the Mondays succeeding the courts in the county of Pulaski; in the county of Elkhart on the Mondays succeeding the courts

in the county of Kosciusko. And the circuit courts shall sit in the county of Laporte three weeks, if the business thereof shall require it; in the counties of St. Joseph and Elkhart the said courts shall sit two weeks in each of said counties, if the business thereof shall require it; in the county of Kosciusko, the court shall sit one week, if the business thereof shall require it; and in each of the counties of Lake, Porter, Marshall, and Fulton, the court shall sit three days, if the business thereof shall require it. And the pettit jurors summoned for the second week in the circuit court of the county of Laporte, shall serve for the third week, if necessary.

Return of pro-

Sec. 2. All writs, subpænas, venires, rules, orders of court, recognizances, and all publications and process whatsoever, which may have issued from any circuit court in said counties, since the last sitting thereof, or which may hereafter issue, previous to the taking effect of this act, in the several counties in said circuit, shall be deemed and taken, and are hereby made returnable to the first day of the first term of the several circuit courts, to be holden by virtue of this act; and all suits, pleas, plaints, prosecutions, recognizances, actions, motions, rules, or other proceedings, which are or hereafter shall be pending prior to the taking effect of this act as aforesaid, shall be taken up and acted upon at the time of such court, to be holden under this act, and be disposed of in the same manner as if no alteration had been made, in the times of holding such courts.

Special term for Laporte.

SEC. 3. And be it further enacted, That the judges of the Laparte circuit court, at the March term thereof, in the present year, or at any regular term of said court thereafter, may in their discretion, if they deem it necessary, order and appoint that a special term of the said Laporte circuit court be holden at such time thereafter as they may designate, and appoint to try and determine any or all civil causes and actions which may, at said term at which said special term shall be ordered, be undisposed of and continued over: and the said Laporte circuit court at the time of ordering and appointing any such special term, shall cause the clerk of said court, to draw from the list of persons taxable in said county, the names of twenty-four freeholders, or householders, to serve as petit jurors for and during said special term; and the clerk and circuit court in selecting said jurors shall be governed in all respects by the laws regulating the mode of summoning and empannelling petit jurors of this state; and the clerk shall issue a venire facias for such jurors returnable to the first day of said special term, and the sheriff shall serve the same as in other

cases, and make return thereof at the time appointed; and any juror failing to attend to his duty as required by said venire facias shall be subject to the same penalties imposed on delinquent jurors in other cases.

SEC. 4. The said circuit court at said special term, Length of term, may continue its sittings for any length of time necessa- %c. ry to dispose of the business before it; and all business done at said special term by said court shall have the same binding force and effect as if the same had been done at a regular term of the Laporte circuit court. And the said court at said special term shall have like power and authority with regular circuit courts of said county, and in all things be governed and regulated by the laws governing and regulating circuit courts of this state. And all executions which may issue upon judgments rendered at said term prior to the next regular term of said court shall be returnable to the first day of the next regular term of said Laporte circuit court; and all executions issued after the next regular term of said court, shall be returnable according to law.

SEC. 5. The clerk of the said Laporte circuit court, Duty of clerk. within three weeks after any such special term shall have been appointed, shall make up a docket of all causes which may be triable at said special term, and shall at the request of any party, to any such suit, issue subpænas or other precess for witnesses returnable to said term in the same manner as is now provided by law.

SEC. 6. If at any such special term of said Laporte criminals to be circuit court, any person who may be imprisoned or con-tried. fined in the jail of said county, upon any criminal charge, shall apply to said court for a trial at said special term, it shall be the duty of the court to proceed to the trial of said cause, at said special term as if the same were a regular term of said Laporte circuit court; and if no bill of indictment shall have been previously found against said prisoner, it shall be the duty of the court to cause a venire to be issued by the clerk returnable at some convenient day, within said term, to summon to said court, the last regularly empannelled grand jurors as empannelled at the last preceding term of said circuit court, who shall attend and serve as grand jurors at said special term, and inquire into the matters and things alleged against the said prisoner, and in all respects proceed therein as if the same had been given them in charge at a regular term of said Laporte circuit court; and the said court shall in all respects, in the proceedings of the grand jury, or the empannelling thereof in other respects, and in the trial of said cause against said prisoner, and rendering judgment therein, have the same power and authority, and

be governed by the same laws and regulations as are vested in and prescribed for the government and regulation of the regular circuit courts of said county; and the trial of said cause, at said special term as aforesaid, shall be in all respects as binding and obligatory as if the same were done at a regular term of said Laporte circuit court.

Sec. 7. This act to take effect from and after its passage, and to be published in the Indiana Journal and Indiana Democrat; and it is hereby made the duty of the secretary of state to transmit to each clerk in said circuit a copy thereof forthwith.

CHAPTER XX.

An Act regulating the time of holding courts in the county of Madison, in the eleventh judicial circuit.

[Approved, February 4, 1841.]

Times of holding court.

SEC. I. Be it enacted by the General Assembly of the State of Indiana, That the circuit court in Madison county shall be held on the second Mondays of February and August, in each year, and sit twelve days, if the business require it.

Sec. 2. This act to be in force from and after its publication in the Andersontown Athenæum.

CHAPTER XXI.

An Act repealing so much of an act, regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, so much as relates to Madison county.

(APPROVED, FEBRUARY 4, 1841.]

Repeal

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the one hundred and third, and one hundred and fourth sections of an act regulating the duties and jurisdiction of justices of the peace, approved Februry 17, 1838, so far as the same relates to Madison county, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage, and a copy of this act being filed in the clerk's office of said county.

CHAPTER XXII.

An Act to further amend an act entitled "an act dividing the State into Judicial Circuits, and fixing the time of holding Courts therein, and for other purposes," approved February 10, 1831.

[APPROVED, FEBRUARY 4, 1841.]

Sec. 1. Be it enacted by the General Assembly of the Times of holding tate of Indiana. That hereafter the Givenit Courts in 3d dis-State of Indiana, That hereafter the Circuit Courts in trict. the third Judicial Circuit, shall be held as follows, viz; in the county of Franklin on the second Mondays of February and August; in the county of Ripley on the fourth Mondays of February and August; in the county of Jennings on the first Mondays of March and September; in the county of Jefferson on the third Mondays of March and September; in the county of Switzerland on the second Mondays of April and October; in the county of Dearborn on the fourth Mondays of April and October. The Courts in the counties of Franklin, Jennings, and Switzerland, shall sit at each term twelve days, if the business require it; in the county of Ripley the Courts shall sit until the Saturday next preceding the Courts in the county of Jennings; in the county of Jefferson the Courts shall sit until the Saturday next preceding the Courts in the county of Switzerland; in the county of Dearborn the Courts shall sit eighteen days if the business

Sec. 2. It shall be the duty of the secretary of state to forward immediately to the clerks of the several counties a copy of this act

This act shall take effect and be in force from and after the first day of June next.

CHAPTER XXIII.

An Act authorizing a special term of the Putnam circuit court.

[APPROVED DECEMBER 18, 1840.]

SEC 1. Be it enacted by the General Assembly of the State of Indiana, That the judges of the circuit court of the county of Putnam, be authorized and required to hold a special session of said court, at the court house in said county, on the second Monday in January, 1841, for the purpose of trying all persons confined in the jail of said county on the day of the commencement of said special session, for offences against any of the criminal laws of this state, and all civil causes pending in the said court,

> which were continued at the last term for the want of a jury to try matters in issue.

Jurors to be se. SEC. 2. That the board of county commissioners of said county, shall, on the first Monday in January 1841, select grand and petit jurors for the April term of said circuit court for the year 1841, according to the laws now in force in this state regulating the selection of grand and petit jurors, approved February 17, 1838; and that the said grand and petit jurors, when so selected as aforesaid, shall serve, and be the grand and petit jurors for the said special session of the said circuit court, authorized to be holden as aforesaid; and the clerk of said court shall issue a venire for, and the Sheriff shall summon the said jurors as in other cases.

Powers.

Sec. 3. That the said court at the said special session, shall in all respects have the same powers, and be governed by the same laws, rules, regulations and restrictions as if the same was a regular term of said court; and the clerk and sheriff of said county shall also, in all respects, be the clerk and sheriff of said court at the said special session.

How published.

Sec. 4. This act is hereby declared a general law, and shall be published in the Indiana Journal, and Greencastle Weekly Visitor; and it shall further be the duty of the clerk of the Putnam circuit court, forthwith to notify the accused in criminal cases, the prosecuting attorney for the district, the judges of the Putnam circuit court, and all parties litigant in civil cases, of the passage thereof.

SEC. 5. This act to be in force from and after its pub-

lication in the Indiana Journal.

CHAPTER XXIV.

An Act providing for an additional term of the Delaware circuit

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the When to be State of Indiana, That the Delaware circuit court shall held. hold an additional term in the year eighteen hundred and forty-one, to commence the second Monday in June, and hold as long as the business may require.

SEC. 2. The regular pannel of grand and petit jurors, Jurors. selected for the March term of said circuit court, shall serve at the said June term, to be summoned by the sher-

iff of said county as in other cases.

Sec. 3. This act to be in force from and after its pas- When in force. sage, and a copy thereof to be certified by the secretary of state, shall be deposited in the clerk's office of said county.

CHAPTER XXV.

An Act to equalize the judicial circuits of the state of Indiana, and for other purposes.

[APPROVED JANUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Circuits. State of Indiana, That hereafter the counties of Montgomery, Fountain, Warren, Tippecanoe, Clinton, Carroll, White, Benton, and Jasper shall form and constitute the first judicial circuit. The counties of Floyd, Harrison, Washington, Scott, Jackson, Clark, and Orange, shall form and constitute the second judicial circuit. The counties of Jefferson, Switzerland, Ripley, Jennings, Dearborn, and Franklin, shall form and constitute the third judicial circuit. The counties of Posey, Vanderburgh, Pike, Gibson, Dubois, Spencer, Perry, Warrick, and Crawford, shall form and constitute the fourth judicial circuit. The counties of Hancock, Shelby, Bartholomew, Johnson, Morgan, Hendricks, Boon, Hamilton, and Marion, shall form and constitute the fifth judicial circuit. The counties of Wayne, Union, Fayette, Rush, Sested of Avid Henry, and Decatur, shall form and constitute the sixth judicial circuit. The counties of Knox, Sullivan, Clay, Putnam, Vigo, Parke, and Vermillion, shall form and constitute the seventh judicial circuit. The counties of Cass, Miami, Wabash, Allen, Huntington, Whitley, Noble, De Kalb, Steuben, and Lagrange, shall form and constitute the eighth judicial circuit. The counties of Fulton, Marshall, Kosciusko, Elkhart, St. Joseph, Laporte, Porter, Lake and Pulaski, shall form and constitute the ninth judicial circuit. The counties of Lawrence, Green, Owen, Monroe, Brown, Martin, and Daviess, shall form and constitute the tenth judicial circuit. The counties of Delaware, Grant, Blackford, Wells, Jay, Adams, Randolph, and Madison, shall form and constitute the eleventh judicial circuit.

This act to take effect and be in force from and after its

passage.

CHAPTER XXVI.

A Joint Resolution relative to the judicial circuits.

[APPROVED, FEBRUARY 4, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That the secretary of state cause the act passed at the present session of the general assembly, equalizing the judicial circuits, to be published in the Indiana Journal and Democrat.

This joint resolution to be in force from and after its

passage.

CHAPTER XXVII.

An Act to provide for a better regulation of the Indiana University.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of trustees of the Indiana University is hereby reduced to the number of nine, a

majority of whom shall constitute a quorum, and the following named persons shall constitute said board, to-witz Miles C. Eggleston, of the county of Jefferson, William T. S. Cornet, of the county of Ripley, Robert Dale Owen, of the county of Posey, Nathaniel West, of the county of Marion, John Law, of the county of Knox, David H. Maxwell, of the county of Monroe, Elisha M. Huntington, of the county of Vigo, Lot Bloomfield, of the county of Wayne, and James Scott, of the county of Clark.

Sec. 2. Said board shall have full power to fill the Vacancies vacancies in their own body and to fix the times of their semi-annual meetings after their first meeting which is hereby directed to commence on the third Monday of July next: *Provided*, That there shall not be two trus-

tees from the same county at any one time.

SEC. 3. The civil courts of the state shall have no ju-Trivial breaches risdiction to punish trivial breaches of the peace committed by the students of said university within the college campus.

SEC. 4. Said students are hereby exempted from mi-Militia duty, &c. litia duty and road taxes during their continuance at the

university.

Sec. 5. If any trustee shall fail to attend two conse-failing to atcutive regular meetings of the board without satisfactory excuse in writing, his seat shall be ipso facto vacant. The members of the board shall each have the same per Compensation diem and mileage as members of the legislature, to be paid out of the college fund.

SEC. 6. It shall be the duty of the secretary of state Copy to be forto forward to the president of the university a certified sident, &c. copy of this act within ten days after its passage. And it shall be the duty of said president to inform the trustees created by this act of their appointment within ten

days after he shall receive said certified copy.

Sec. 7. So much of the act entitled "an act to es-Repeal. tablish a university in the state of Indiana," approved February 15, 1838, as comes within the purview of this act, be, and the same is hereby repealed.

Act to be pub-

Board of trus-

CHAPTER XXVIII.

An Act to amend an act entitled "an act relating to county semiparies."

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Trustees to sue State of Indiana, That the seminary trustees of the several counties of this state, in their own name as such trusname. tee of the proper county, may sue for and recover, any moneys in the hands of any officer or other person belonging to the seminary fund, before a justice of the peace, if the same is under one hundred dollars, or in the circuit court where the same exceeds fifty dollars, in the same manner as other debts are sued for and collected.

SEC. 2. That hereafter it shall be the duty of each Duty of justices and every justice of the peace in this state, in addition to the duties now required by the fourteenth section of the to report fines. act regulating the jurisdiction of justices of the peace, approved February 17, 1838, to report on the first day of each term of the circuit court in his proper county, whether or not he has assessed any fines since the first day of the previous term of said court.

with clerk.

Penalty for fail-

ure in duty.

SEC. 3. Such justice at the time he may file the list of Receipt of trea fines by him assessed with the clerk, as is in said fourteenth section contemplated, shall file with such list, the receipt of the treasurer of the board of trustees of the county seminary for all fines and forfeitures by such justice collected since the time for filing the previous list.

Sec. 4. Any justice failing to comply with any of his duties as prescribed in this act, shall forfeit and pay five dollars for the use of the county seminary, if no fines or forfeitures have been by him assessed, since the time of the previous report; and any sum not less than twenty dollars, in case fines and forfeitures have been by him assessed as aforesaid, to be recovered on presentment or indictment in the circuit court of the proper county.

This act shall be in force from and after its passage.

CHAPTER XXIX.

An Act to extend to the settlers on the Wabash and Erie canal lands, the benefits of an act for the relief of settlers on the Wabash and Erie canal lands, approved, February 24, 1840.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State Benefits. of Indiana, That all persons actually residing on any of the Wabash and Erie canal lands, prior to the first day of March 1841, shall be entitled to a compensation for any improvements they may have made on said lands agreeably to the provisions of an act entitled, "an act for the relief of settlers on the Wabash and Erie canal lands," approved, February 24, 1840, and they shall be liable and subject to all the provisions, limitations, and restrictions provided for in the said act above referred to.

This act to take effect and be in force from and after its passage.

CHAPTER XXX.

An Act more effectually to secure the purity of elections.

[APPROVED, FEBRUARY 15, 1841.]

Be it enacted by the General Assembly of the State Penalty for attempting to vote of Indiana, That any person voting or attempting illegally. to vote at any state, county, or township election, such person not having the legal qualifications of a voter, shall, on presentment or indictment in the proper county, be fined in any sum not less than five dollars, nor more than fifty dollars for each such offence.

This act to be in force from and after its passage.

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CHAPTER XXXI.

An Act to amend an act entitled "an act to regulate the mode of doing county business in the several counties in this state."

[APPROVED, FEBRUARY 2, 1841.]

Commissioners hold court in clerks' offices.

Be it enacted by the General Assembly of the State of Indiana. That the county commissioners of the several counties in this state, in which no court house is erected, may hold their sessions in the clerk's office of said counties, or at any other place in the county seat to which said board may adjourn.

This act shall be in force from and after its publication.

CHAPTER XXXII.

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An Act to provide for keeper of the State House and Library.

[APPROVED, FEBRUARY 2, 1841.]

Librarian how elected &c.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be elected during the present session of the legislature, by a joint ballot of both houses, and every three years thereafter, a librarian, who shall hold his office for the term of three years, and said librarian shall be keeper of the state library, state house, and state house square, and shall be governed in all things appertaining to his office as is hereinafter provided.

Bond and oathe

SEC. 2. The librarian shall, before entering upon the duties of his office, give bond and security, to the acceptance of the Auditor, Treasurer, and Secretary of State, in the penal sum of two thousand dollars, conditioned for the faithful discharge of his duty as librarian, keeper of the state house and square; which bond shall be filed in the office of the Secretary of State, he shall also take an oath for the faithful discharge of his duty.

Duty as to Librarian.

SEC. 3. The librarian shall keep the library in the room now occupied as such in the state house, and shall keep the same in a neat manner, arranging the books in proper order, and take proper care of the same, preserving them from moulding and from moths; said library shall be kept open at all times during the session of the legislature (Sundays excepted) in each day, from nine o'clock in the morning until six in the evening, and on each and every Saturday, during the recess, from eight in the morning, until

four in the afternoon of said day.

SEC. 4. Said library shall be for the use of the mem-Persons entitled bers of the legislature, the secretaries and clerks of each to use of library. house, the officers of the several branches of the executive department of the state government, judges of the district and circuit courts of the United States, district attorney, judges of the supreme court of the state, the president judges of the circuit courts, adjutant and quarter master generals, principal and assistant engineers on the public works, and all officers of state whose appointment to office is vested in the legislature, or the governor and senate, when any of them shall be at the seat of government.

SEC. 5. It is further made the duty of said libra-Rules.

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rian, with the advise and consent of the auditor, treasurer and secretary of state, to fix the time during which any person authorized, may detain a book from said library, and further to make and ordain from time to time, such rules and by-laws for the government of said library as will be best calculated to make the same useful to those interested, and a copy of such rules and by-laws shall at all times be set up in a conspicuous place in the library room for the inspection of every visiter; and all fines and forfeitures, accruing under, and by virtue of such by-laws shall be recoverable by action of debt, before any court of competent jurisdiction of the amount in the name of the state of Indiana, for the use of the state library; and in all such trials the Librarian shall be a competent witness, and his entries, to be made as hereinafter directed, shall be prima, facie evidence of the delivery of the book or books, and of the date thereof.

SEC. 6. The librarian shall keep proper books, in which Duty of Ithrahe shall make an entry of all books taken out, designating rian.

the name of the individual taking the same: also of the books returned, and of all fines and penalties assessed and collected under the provisions of this act, or the by-laws established for the government of the library; he shall also keep a catalogue of the books belonging to the library, and shall from time to time, add to such catalogue, a list of all books purchased for the use of said library, and he shall from time to time, erase from such catalogue, such books as may be lost or destroyed, and shall annually report to the legislature (at the same time that other state officers are required to report) a full and complete statement of the condition of said library, naming the books lost or destroyed, if any there be, and the cost of

such works, and the name or names of the individual or

individuals to whom the same were charged, together with the fines assessed and collected.

Fines hew collected &c.

SEC. 7. It shall be the duty of the librarian to collect all fines and forfeitures accruing to the library, by suit or otherwise, the fines and forfeitures so collected shall be paid over to the treasurer of state, taking his receipt for the same, which receipt shall be filed in the auditor's office, who shall charge the same to the account of the treasurer for the use of the Library.

Librarian's duty

SEC. 8. The librarian shall have, during the recess of as to state house, the sittings of the Legislature, the keys of the state house, and care of the building, and he shall immediately after the adjournment of the legislature, take up the carpets in each of the rooms, and dust the same, and sweep each of the rooms in a clean manner, and replace the carpets prior to the next sitting of the general assembly: Provided, that during the sittings of the district and circuit courts of the United States, and supreme court of this state, it shall be lawful for him to give in charge to the sheriff of each of said courts, the key to the supreme court room, also that of the outer doors.

State house square &c.

SEC. 9. The librarian shall keep the fence and gates around the state house square in good order, so as to prevent the entering of any kind of stock, other than that which may be necessary to deliver wood, or remove any article from within the square, which may be necessary for the good order of the same; also to trim and prune the trees and shrubs, and to remove any wild plant which is calculated to injure the grass plat of said yard; and he is hereby permitted to mow said grass plat, and apply the grass to his own use: Provided, that the expense of keeping the fence and gates in repair shall be in addition to his annual salary, to be audited, and paid out of the treasury.

Balary.

SEC. 10. The librarian shall receive an annual salary of three hundred dollars, which shall be in full compensation for his services, as required by this act, to be paid quarterly out of the treasury, upon warrants drawn by the auditor.

SEC. 11. There shall be expended annually under the

Annual appropriation.

direction of the auditor, treasurer, and secretary of state, the sum of four hundred dollars for the increase of the Laws, &c., to be state library: they shall also procure the binding of copies of laws exchanged with other states or territories, not exceeding three copies of any one state or territory: they shall also procure the binding of at least six copies of the laws and joint resolutions passed at each session of the legislature, also six copies of each of the journals of the senate, and of the house of representatives: the laws required to be bound by this section, shall be bound in full

binding, and the journals in half binding, with leather backs.

SEC. 12. It shall be unlawful for any person entitled Use of books reto draw books under the provisions of this act, to permit stricted. any person to draw books in his name, unless the books so drawn are expressly for his own use; every person so offending shall be liable to pay a fine of five dollars for every such offence.

SEC. 13. It shall be the duty of the librarian, under pocuments to be the direction of the auditor, treasurer, and secretary of collected annualstate, to collect annually and preserve duplicate copies of ly. the messages of the president of the United States, and of each of the governors of the several states; reports of the different heads of departments of the general and state governments, of the committees of ways and means of the several states, the reports of the committees of congress on all general subjects, and not to exceed two copies of the leading speeches made in congress on each side of the question on every subject of general interest; also copies of the reports and proceedings of public societies for the promotion of agriculture, the mechanic arts, history and literature: all of which shall be bound and placed in the state library. with a first the tree to the tree

SEC. 14. It shall be the duty of the librarian, under Repairs. the direction of the auditor, treasurer, and secretary of state, to make such alterations and repairs in the library room as may be necessary for the proper keeping of the books.

SEC. 15. In addition to the duties already enjoined Librarian to be upon the librarian by the provisions of this act, he shall ex officio agent do and perform all the duties that are now required by town of Indianany existing law of this state to be done and performed apolis. by the agent of state for the town of Indianapolis: and all books and papers of every description relating to the affairs of the town of Indianapolis, in the office of the present agent, Thomas H. Sharpe, and he is hereby required to transfer to the state librarian and keeper of the state house, so soon as he is informed that said officer is duly qualified to receive the same: and the librarian shall Report. report annually his doings under the provisions of this section, at the same time he makes his other report provided for in this act.

SEC. 16. That the room adjoining the supreme court Law library room on the north, be, and the same is hereby set apart room. for the law library, and may be used and occupied by the members of that institution as a library room for said law library. The auditor, treasurer, and secretary of state shall cause plain shelving to be put up in said room sufficient to hold the books of said library, and the ex

pense thereof shall be paid out of the treasury of state upon the warrant of the auditor.

Laws and journals of former years, to be preserved.

SEC. 17. It shall be the duty of the state librarian to select from the journals and laws now on hand, twenty copies of the journals of the house for each year, and ten copies of the journals of the senate, and thirty copies of the general laws, and fifteen copies of the local laws for each year, including the territorial legislature; and he shall put up the same in the room immediately south and adjoining the present library room, placing each year together and mark the same; the copies remaining after the selection here directed shall be piled up in said room in yearly packages, and in good order, each year to be designated in some cheap and proper manner; and yearly hereafter he shall select and put up a like number as aforesaid, laying away the surplus as before directed.

Legislative papers.

SEC. 18. The librarian shall have charge of the legislative papers, and the cases containing the same, and he shall remove the same to the room mentioned in the foregoing section, and he shall do and perform all the duties required to be performed by the secretary of state, as required by the thirteenth section of an act entitled "an act to provide for public printing, and for the distribution of the laws and journals," approved February 16, 1839, and so much of said section as requires the secretary of state to perform certain duties therein named, be, and the same is hereby repealed; and so much of the sixteenth section of the aforesaid act as requires the remaining volumes of the journals and laws to be kept in the secretary's office, be, and the same is hereby repealed.

sentatives.

SEC. 19. It shall be the duty of the principal secretary ry of senate and of the senate, and the principal clerk of the house to hand house of repre. over to the librarian, immediately after the final action of both houses, each and every bill or joint resolution lost upon its final passage, and all petitions, memorials, remonstrances, and communications from the governor which are not journalized, and at the close of each session, they shall also hand over to the librarian all bills laid upon the table and unacted on, together with those that were indefinitely postponed.

Special report.

SEC. 20. The librarian shall in his annual report to the next legislature state at full length his doings under the provisions of sections six and fifteen of this act.

Books not to be loaned, &c.

SEC. 21. It shall be unlawful for the librarian to loan or hire any book belonging to the state library to any person other than those that are entitled to draw books under the provisions of this act. For each and every violation of the provisions of this section, the librarian shall be liable to pay a fine of not less than ten dollars nor more than one hundred dollars, to be recovered by action of debt in the name of the state of Indiana for the use of the state library before any court having competent jurisdiction of the case, and it is hereby made the duty of the auditor, secretary, and treasurer of state to see that the provisions of this section are carried into effect.

SEC. 22. All laws and parts of laws coming within Repeat. the purview of this law, be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XXXIII.

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An Act fixing the times of holding the probate courts in Marion county and for other purposes.

[APPROVED, DECEMBER 24, 1840.]

SEC. 1. Be it enacted by the General Assembly of the State Probate courts of Indiana, That the probate courts of Marion county, of Marion co shall hereafter be held on the days and times following, to-wit: On the second Mondays of January, March, June, and August; first Monday of October, and fourth Monday of November, in each year, and shall sit six days in each session, if the business require it.

SEC. 2. That in any case where it shall be necessary Time of appear. to give notice by publication in a newspaper, to non-resi-ance fixed by dent heirs or defendants to any defendants to any defendants to any defendants to any defendants. dent heirs, or defendants to any petition, bill, or other proceeding pending in said court, it shall be lawful for said court, to fix the time for the appearance of such heirs, or defendants, on any day of the second term of said court, subsequent to the one at which the order of publication is made.

SEC. 3. This act to take effect, and be in force from and after its publication in the Indiana Journal, and the secretary of state shall forthwith make out and furnish a copy thereof for publication, the expense of publication to be paid out of the county treasury of Marion county.

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CHAPTER XXXIV.

An Act amendatory to an act entitled "an act subjecting real and personal estate to execution," approved, February 4th, 1831.

[APPROVED, FEBRUARY 15, 1841.]

State &c. may under execution

SEC. 1. Be it enacted by the General Assembly of the purchase at sale State of Indiana, That hereafter, in all cases when any in certain cases, real estate shall be sold upon execution by virtue of any judgment, order, or decree of any court of record in this state, where the state, county, township, or school district shall be interested, it shall be lawful for the agent having charge of any such fund, to bid in the same for the use of the state, county, township, or school district in the same manner, and under the same restrictions, as are now provided by law in other cases.

This act shall take effect and be in force from and after its passage.

CHAPTER XXXV.

An Act to prohibit the making, issuing, or circulating small notes

[APPROVED, JANUARY 20, 1841.]

Individual is. and void.

Sec. 1. Be it enacted by the General Assembly of the sues, fraudulent State of Indiana, That all bills of any denomination whatever, hereafter to be issued by any individual or individuals, company or corporation in this state, other than the state bank of Indiana, either in the form of certificates or receipts for the deposite of money, or of promises to pay the bearer, or any specific person, any sum whatever, for the purpose of being used as a circulating medium, or as a substitute for bank notes, shall be deemed as fraudulent, and absolutely void.

Contracts based upon such issues, fraudulent and void.

Sec. 2. All contracts, notes, bonds, or obligations, or agreements of any kind whatever, hereafter to be made, based or founded upon the issue of any such bills, certificates, or receipts above specified, or of which the consideration shall be either in whole or in part the issue, use, or possession of any such bills, certificates or receipts, shall be deemed fraudulent and absolutely void.

Penalty for ma. SEc. 3. Any person, who shall hereafter, either upon king such issues. his own account, or as agent for another, or as the agent

or officer of any company or corporation, other than the state bank of Indiana, issue or put in circulation, any bills, certificates, or receipts, designed to be used as a circulating medium, or as a substitute for bank notes as above specified, shall be liable to indictment for the same, and upon conviction thereof, shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars for each offence.

Sec. 4. That from and after the first day of June next, Payments made all payments made within the state, whereof the whole or in such issues, void after first of a part shall be made in notes, checks, drafts, certificates June. of deposit, or any other paper of individuals, or of corporations, (other than the notes of the state bank of Indiana, or of the chartered banks of other states) of denominations less than five dollars and made in the from of bank notes for circulation, shall be utterly null and void.

CHAPTER XXXVI.

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An Act supplemental to an act making specific appropriations for the year 1841.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Allowance to State of Indiana, That the late treasurer of state, be al-late treasurer of lowed the sum of nineteen hundred and eighty-six dollars and eighty-two cents, being the amount disbursed by him the past year, on account of the state house and incidental expenses of the last and present session of the general assembly, as examined and certified by the committee on public expenditures of the House of Representatives; which amount shall be audited on the filing with the auditor of public accounts the several vouchers and certificate of the committee aforesaid.

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said counties twelve jurous to try and cheek who shall be and expressed to the same restrictions and requiritions, and me-

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CHAPTER XXXVII.

An Act to amend an act "incorporating congressional townships, and providing for public schools therein," approved, February 17, 1838.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Duty of township treasurer of State of Indiana, That it shall be the duty of the towndistricts number ship treasurers in congressional townships, number six 5 and 6, in flar south, of range number four east, and number five, south of range number four east, in Harrison county, each year, rison county. to make a dividend and distribution of the school funds in their hands, on the second Mondays of March and September, or within five days thereafter; which dividend shall be made by each of the township treasurers above named respectively, in such manner, as to render to each school district in each of the said townships, an equal share or proportion of the funds belonging to its respective township without regard to the number of persons in each, between five and twenty-one years of age.

This act to take effect and be in force from and after its passage.

CHAPTER XXXVIII.

An Act to change the mode of selecting petit jurors in Brown and Martin counties.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That, hereafter, the act entitled, an act to regulate the mode of summoning and empanneling grand and petit jurors, approved, February 17, 1838, so far as said act prescribes the mode of selecting petit jurors, shall not apply to the counties of Brown and Martin.

Petit jurors in tin counties, how elected.

SEC. 2. That hereafter, at each session of the circuit Brown and Mar. court, in the said counties of Brown and Martin in each case to be tried by a jury in said court, it shall be the duty of the sheriffs of said counties, when ordered by the court, to select from among the citizens, householders of said counties, twelve jurors to try such case, who shall be subjected to the same restrictions and regulations, and under the same obligations, and entitled to the same compensation for the time they may be employed, as is provided in the act for which (so far as relates to the counties of Brown and Martin) this is a substitute.

Sec. 3. Any law passed at this, or any former session of the legislature, contravening any of the provisions of this act, shall not apply to the counties of Brown and Martin.

This act to take effect and be in force as soon as a certified copy thereof shall be filed in the clerks' offices of Brown and Martin counties.

CHAPTER XXXIX.

An Act to prevent speculation by collectors in treasury notes, and other moneys.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State Collector of state of Indiana, Whenever, hereafter, any collector of the state revenue shall file revenue, in any county in this state, shall pay into the affidavit that the state treasury, any portion of the state revenue of such money paid in county in treasury notes, it shall be his duty to file with taxes. the treasurer an affidavit made before some person authorized by law to administer oaths setting forth, that the entire amount of treasury notes by him paid into the treasury, have been by him collected and received in payment of the revenue of the county of which he may be such collector.

Sec. 2. Any collector who shall exchange any current penalty for funds received by him in the payment of state revenue for changing cur. treasury notes, further than is necessary to make change, treasury notes. shall be guilty of a misdemeanor, and be liable to an indictment in the county of which he may be such collector, and upon conviction thereof, shall be fined in any sum not less than fifty, nor more than five hundred dollars.

SEC. 3. In all cases where the collector of the state re- when interest venue of any county in this state shall receive in payment is not charged by tax payer on of such revenue, or any part thereof, any treasury notes, treasury notes, upon which the interest shall not be demanded or allowed collector shall by the persons paying the same; such collector in his set-not charge. tlement with the treasurer shall not be allowed interest upon said notes; and any collector failing to present to the treasurer a full and fair statement of the amount of said notes so received by him without allowing the interest thereon, shall, upon conviction thereof, upon presentment Penalty. or indictment, be fined in any sum not less than twenty, nor more than five hundred dollars,

CHAPTER XL.

An Act relative to officers of state.

[APPROVED, JANUARY 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State When to report of Indiana. That it shall be the duty of the treasurer, auditor, and secretary of state, to make and communicate their annual reports to the governor of the state, by the first of November annually; and it shall be the duty of the Governor to communicate and lay the same before the general assembly in his annual message.

governor.

Communicate to SEC. 2. It shall be the duty of the treasurer, auditor. and secretary of state, and all other officers of the state. to communicate to the governor whenever requested, any information he may desire relative to business, condition. or duties pertaining to their offices respectively.

CHAPTER XLI.

casulty, any pertion of the state revenue of such money paid in

An Act to extend the time of final payment to purchasers of the sixteenth sections.

[APPROVED, JANUARY 9, 1841.]

16th sections.

SEC. 1. Be it enacted by the General Assembly of the Time of pay. State of Indiana, That in all cases where the time of to purchasers of final payment of the principal on the sales of the sixteenth sections of congressional townships, sold in this state, has, or is about to expire previous to the close of the year 1842, the time for the payment thereof shall be extended for the term of two years, by the purchaser or purchasers, their heirs or assigns paying to the school commissioner annually in advance, a rate of interest equal to the highest rate for which the school commissioner could loan the same if paid in.

Lands subject to taxation after ten years from sale.

SEC. 2. Nothing in this act shall be so construed as to prevent or exempt such sixteenth sections from taxation after the expiration of ten years from the date of their sale, but the same shall be subject to taxation in the same manner as though final payment were made at the expiration of ten years.

This act to be in force from and after its passage.

CHAPTER XLII.

An Act to amend an act entitled "an act subjecting real and personal estate to execution."

[Approved, February 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State Execution de. of Indiana, That, whenever hereafter, an execution de-fendant held in fendant or defendants may be in custody, upon any writ sa. may be disof capias ad satisfaciendum, it shall be lawful for the ex-charged without ecution plaintiff or plaintiffs, his, her, or their agent or prejudice by attorney to direct the said defendant or defendants, to be discharged without prejudice; and thereupon the officer holding said writ shall return the same, setting out the fact of such discharge in his return, which being done, it shall be lawful for the execution plaintiff or plaintiffs to sue out any execution he, she, or they may deem expe- Plaintiff may afdient, in the same way and manner that might have been terwards sue out lawful to do, had no execution been issued: Provided, other execution. That not more than one writ of capias ad satisfaciendum shall be issued.

SEC. 2. Any person or persons having become reple- Replevin bail vin bail for the stay of execution on any judgment ren-may have immedered in any circuit court may be come the dead diate execution dered in any circuit court, may appear before the clerk against princiof such court, and file an affidavit made before any per-pal. son authorized to administer oaths, stating therein, that such person or persons verily believe that he, she, or they will be liable to pay such judgment and the interest and costs accruing, accrued, and to accrue thereon, unless execution be immediately issued upon such judgment, such clerk shall thereupon issue execution upon such judgment, and the sheriff shall proceed thereon according to law.

SEC. 3. The execution defendant or defendants may Execution dereplevy such judgment for the remainder of the period fendant may reallowed by law, by filing additional bail on the order book mainder of term of the circuit court before the proper clerk, or after exe-by giving other cution, before the proper sheriff, by bond made and tendered to the sheriff, as the case may require.

SEC. 4. All laws within the purview of this act are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XLIII.

An Act to revive certain acts relative to a stay of execution.

[APPROVED, JANUARY 14, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all acts and parts of acts which were repealed by the sixth section of an act entitled "an act to amend an act subjecting real and personal estate to execution," approved February 4th, 1838, approved February 24th, 1840, be, and the same are hereby declared revived, and in full force from and after the first day of March, 1841.

This act to be in force from and after its publication in the Indiana Journal and Indiana Democrat.

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CHAPTER XLIV.

had no execution been issued: Provided.

An Act to provide for the selection of grand and petit jurors.

[Approved, January 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That whenever, hereafter, any pannel of jurors, either grand or petit, shall be challenged, and by the court set aside, for any error or informality committed by the county board, in their selection or drawing, or for any error or omission on the part of the clerk, in recording the pannel, or otherwise, the court may forthwith Grand and petit order the pannel to be filled by the sheriff from the bystanders or citizens, possessing the legal qualifications of jurors; and in any and all cases where there has been no jurors selected by the board doing county business, the court may in like manner, order the sheriff to summon from the by-standers, or other citizens as aforesaid, either grand or petit jurors, who shall serve as long as the court may require their services: Provided, That no motion to quash an indictment shall be sustained, after the jurors shall have been sworn, on account of an illegality in the proceedings of the board doing county business, or in the clerk of the court, in the premises.

This act to be in force from and after its passage.

CHAPTER XLV.

An Act to amend the act, authorizing the seizure of boats and other vessels for debt, approved, February 17, 1838.

[APPROVED, FEBRUARY 2, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Captain of State of Indiana, That if a steam boat, or a vessel of any steam boat &c. other description, being upon a voyage, and the captain, for repair of commandant, master, consignee, owner or owners, or any boat and failing other officer of such boat, or other vessel shall, within this liable to double state purchase or take without the consent of the owner the value there or his agent, or some person authorized to give such con- of. sent, any materials for her repair, or equipment, or wood or coal for fuel, or provisions to be made use of by the crew or passengers, which is designed merely to enable said boat or vessel to prosecute her trip or voyage, and shall refuse or neglect to pay therefor, or depart without paying the full value of such articles or materials, or take any such articles or materials without the expressed consent of the person so authorized to give it, and refuse, neglect, or attempt to depart without paying the full value thereof. such captain, commandant, master, consignee, owner or owners, or any other officer of such boat, or vessel, shall be liable to the owner of such proporty so taken, or refused or neglected to be paid for, the double value thereof, to be recovered by action, as is provided in the act to which this is an amendment.

SEC. 2. Be it further enacted, that a capias ad respon- Capins ad redendum may issue upon the action, or a writ of attach-writ of attachment authorized by the first section of this act, upon the ment may issue. person having such demand againt the boat, or vessel, first having filed an affidavit of the justice of his or her demand before any justice of the peace, judge, or court, having jurisdiction within the county, in which such boat or vessel may be, authorizing and directing the taking and forthwith bringing the said captain, commandant, master, owner, or consignee, or other officer having command of such boat or vessel, and thus taken and brought before such justice, judge, or court, shall be made to forthwith answer to such demand, the justice of which having previously been sworn to, and affidavit filed as above required.

SEC. 3. Upon the return of the capias, by the consta-on the return of capias, all perble, sheriff, or other officer, executed, all persons having sons having demands of the description before mentioned, may join claims may join in declaration. in a declaration against the officer or owners in custody,

jurors may be selected from by standers.

briefly setting forth, the nature of his or their claim, averring demand and refusal, or neglect to pay, to which declaration shall be annexed, the particulars of the demands, and thereupon proceedings shall be had, and judgment rendered, as in other cases; and if in any instance, the demand or demands exhibited before any justice of the peace, exceed the extent of his jurisdiction, he shall certify the proceedings to the circuit court of his county, tified to circuit and forthwith take special bail from the person or persons in custody, and the same proceedings shall be had in said court thereafter, as if the action had been instituted therein.

proceedings cer court.

Claimant may proceed by attachment if he prefer.

Sec. 4. Be it further enacted, if any person or persons having any demand of the nature and description, as are provided for in the foregoing sections of this act, shall prefer, to sue and proceed by writ of attachment, he, or they may do so, observing and being governed in his, or their proceedings, in every respect by the provisions of the act to which this is an amendment; and the boat or vessel, their tackle, apparel, furniture, and all other property in said boat or vessel belonging to the owner or owners, master or captain, shall be subject to the attachment.

SEC. 5. The act, or all the provisions of the act to which this is an amendment, and which do not conflict or come within the purview of this act, are not hereby repealed.

SEC. 3. This act to be in force from and after its publication.

CHAPTER XLVI

An Act to amend an act entitled an act to prohibit the amalgamation of whites and blacks.

[APPROVED, JANUARY 14, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the second, fourth, fifth, sixth, and seventh sections of "an act to prohibit the amalgamation of whites and blacks," approved February 24, 1840, be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XLVII.

An Act to authorize probate judges to issue writs of habeas corpus, and proceed to trial thereon.

[APPROVED, JANUARY 19, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Product Judges State of Indiana, That hereafter it shall and may be lawful of habeas corfor the several probate judges of this state, to issue writs pusof habeas corpus, and proceed to trial thereon, and hear and determine the same, in the same manner that the associate judges of the circuit courts are now authorized by law to do.

SEC. 2. The said probate judges shall, when perform-Compensation. ing the services mentioned in the first section of this act, receive the same compensation, and to be paid in the same manner, as the associate judges of the circuit courts

are now paid.

CHAPTER XLVIII.

An Act to repeal "an act regulating the jurisdiction of justices of the peace in Jackson county," approved, January 25, 1840.

[APPROVED, JANUARY 14, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That "an act regulating the jurisdiction of justices of the peace in Jackson county," approved, January 25, 1840, be, and the same is hereby, repealed.

SEC. 2. This act to take effect and be in force from and after its publication in the Indiana Journal, and Indiana Democrat; which publication shall be at the expense of said county of Jackson.

CHAPTER XLIX.

An Act supplemental to "an act subjecting real and personal property to execution," approved February 4, 1831.

[APPROVED, FEBRUARY 13, 1841.]

Property may be redeemed.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That whenever any land or other real estate shall have been or may be sold on execution under any judgment or decree, it shall be lawful for the owner of such real estate, his heirs, executors, or administrators to redeem the same at any time within twelve months from the day of sale, by paying into the clerk's office from which such execution may have issued, the full amount of the purchase money for which such real estate was sold on said execution with interest thereon at the rate of twelve and one-half per cent. per year.

Later incum brance.

SEC. 2. That whenever such sale may be made as aforesaid, all junior incumbrancers on the land so sold, by judgment, mortgage, or other deed or conveyance bona fide made before the day of sale, shall have the right to redeem any real estate, sold as aforesaid, in the same manner the execution defendant might have redeemed at any time within thirty days after the expiration of said twelve months.

Sales on credit,

SEC. 3. That whenever any judgment debtor is not able or neglects to take the stay, as provided in the laws now in force, his, her, or their property shall be sold on the same credit for which he might have taken the stay, and in such case the officer making the sale shall take bond with security from the purchaser, which shall have the effect of a judgment, and execution may issue upon the same as in other cases, and no stay of execution shall be allowed thereon; said bonds taken as aforesaid shall be filed by the officer taking the same with the clerk or justice issuing the execution at the same time of returning the execution: Provided, That the provisions of this act shall not extend to any bank or savings institution.

Sales, where made:

Sec. 4. That all real estate shall be sold or offered for sale at the door of the court house, or the place where courts are holden in the county where the same may be situate: And provided, That no property, either real or personal shall be sold un'ess there shall be three or more bidders present at such sale, and have an opportunity of bidding for the same.

SEC. 5. That in all cases where lands shall have been tered of record redeemed under the provisions of this act, entry thereof shall be made by the clerk on the order book of the circuit court and in the recorder's office where the sheriff's deed may have been recorded, for which service he shall receive the sum of fifty cents from the person so redeem-

SEC. 6. That hereafter no real property shall be sold No sale for less on execution for less than one-half its cash value at the than half the

time of such sale.

SEC. 7. That the sheriff or other officer in whose valuation. hands such execution may be, shall, to ascertain the cash value of such real property, select three disinterested freeholders of the county in which the same may be, who shall forthwith proceed to make a true cash value thereof in writing, to which said appraisers shall be sworn by some person authorized to administer oaths in words, as follows: We the undersigned do solemnly swear or affirm (as the case may be) that the real property mentioned above is, to the best of our judgments, worth (here insert appraised value) in cash at this time, and that the same is a true cash valuation thereof.

Sworn to before Signed

Which appraisement, sworn to as above, shall be delivered to the sheriff or other officer to be by him returned and filed with the execution in the clerk's office from which said execution issued.

SEC. S. That whenever any sheriff or other officer Duty of officer shall expose to sale on execution, any real property ac-where no sale is cording to the provisions of this act, and the same cannot be sold for one-half of its appraised value as aforesaid, it shall be his duty to return the execution with a special endorsement to that effect to the office from which it issued; and the plaintiff or plaintiff's may have every three months, another execution upon every such return, and upon the issuing of every new execution, either party may require a re-valuation of such real property.

SEC. 9. That the provisions of this act shall not ex- This act not to tend to judgments on scire facias, judgments or other le-extend to cergal proceedings against state, county or township officers for neglect or malfeasance in office, against attorneys for neglecting or refusing to pay over moneys collected, and on bonds for the delivery of property levied on by execution.

SEC. 10. That hereafter no household goods and fur-Household niture, kitchen utensils, and implements of husbandry, goods, &cr

and mechanics' tools, shall be sold on execution for less than one-half of their cash value at the time of such sale.

Appraisement

Sec. 11. That such personal property shall be appraised in the same manner, and the parties thereto as to the appraisement of the same shall be entitled to all the rights, and subject to all the restrictions laid down in this act for the appraisement of real property.

Discretion of of.

SEC. 12. That hereafter the sheriff, constable, or othficer in making er officer in levying on property may, if he choose, levy in the first place upon all property belonging to the execution defendant or defendants, which he is not required by this act to have appraised, and which is not now exempted from execution.

Compensationto

SEC. 13. That the appraisers under this act shall be appraisers, &c. entitled to fifty cents per day for their services; and all of that part of this act which requires personal property to be appraised shall be null and void from and after the first day of March, A. D., 1842.

> Sec. 14. That this act shall be in force from and after its passage, and shall be published in the Indiana Journal.

CHAPTER L.

An Act regulating the salaries of auditor, secretary, and treasurer of state.

[APPROVED, FEBRUARY 4, 1841.]

Auditor.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor shall receive an annual salary of one thousand dollars, also the sum of four hundred dollars for clerk hire, payable quarterly, by warrants drawn on the treasurer by the governor; four hundred dollars of said salary shall be audited and paid out of the college or loan office fund; two hundred dollars out of the sale of the Wabash and Erie canal lands; the residue out of the moneys arising from the state revenue; which salary shall commence on his entering upon the duties of his office.

Treasurer.

Sec. 2. The treasurer of state shall receive an annual salary of one thousand dollars; also the sum of four hundred dollars for clerk hire, payable quarterly, by warrants drawn by the auditor upon the treasurer; four hundred dollars of said salary shall be audited and paid out of the college or loan office fund; and the balance, out of moneys arising from the state revenues; which salary shall commence on his entering upon the duties of his office.

SEC. 3. The secretary of state shall receive an annual salary of eight hundred dollars; and for clerk hire, the sum secretary of of three hundred dollars; payable quarterly upon warrants state. drawn upon the treasury by the auditor; two hundred dollars of which shall be audited and paid out of the funds arising from the sale of the Wabash and Erie canal lands; the balance out of the funds arising from the state revenue; which salary shall commence upon his entering on

the duties of his office.

SEC. 4. The salaries of auditor, treasurer, and secretary of state, specified in the foregoing sections, shall be in full salaries to be in compensation for their respective services, including clerk full for all ser. hire; and they shall do and perform all the duties now en-vices. joined on them by law, and be subject to such alterations as may, from time to time be made by the legislature: Provided, That all the fees that the secretary of state is entitled to receive for copying records, making certificates, Proviso as to seand affixing the state seal, and for making deeds for lands perquisites. that are now, or may hereafter be required to be made by the secretary under any law of this state, shall be by him paid over quarterly to the treasurer of state, and he shall take his receipt therefor, which receipt he shall file in the office of auditor, whose duty it shall be to charge the same to the treasurer of state, and the amount so paid over shall be drawn for and paid out in like manner as other state revenues. The secretary shall annually report the amount he has paid over to the treasurer, under the provisions of this act, and for what paid.

SEC. 5. The quarterly allowances of all salaried officers of this state, shall be made payable on the first days of rayments when February, May, July, [August,] and November, in each made. year, and when any such officer shall come into office between the times named in this section, it shall be the duty of the auditor to audit, aed the treasurer to pay such officer, such fractional quarter, up to the commencement of the next regular quarter; and when any officer shall go out of office, his account shall be audited and paid in like

manner.

SEC. 6. This act to take effect and be in force from and after its passage; all laws and parts of laws coming within the purview of this act, be and the same are hereby repealed.

CHAPTER LI.

An Act for the relief of the Miami and other Indians.

[APPROVED, FEBRUARY 3, 1841.]

Capias ad respondendum shall not issue

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That all laws and parts of laws which authorize the issue and service of the writ of capias at against Indians, respondendum, so far as the Miami and other nations of Indians residing in the state of Indiana are concerned, be and the same are hereby repealed.

> SEC. 2. In all cases hereafter when suit may be commenced against any Indian or Indians, either in the circuit court, or before any justice of the peace, no other writ or process shall issue, except a common summons and no bail shall be required in any case whatever.

Fieri facias only shall issue.

SEC. 3. That in all cases where judgment shall be obtained against any Indian or Indians in any court having jurisdiction to render the same, it shall not be lawful for any writ, except a common fieri facias, to issue against said defendant or defendants; and all laws and parts of laws which authorize the issue and service of the writ of capias ad satisfaciendum, so far as Indians are concerned be, and the same are hereby repealed.

No bail shall be required.

Sec. 4. Should any person or persons, by any fraud or deception whatever, procure to be issued by any clerk of the circuit court, or justice of the peace any writ of capias ad respondendum, against any Indian or Indians, it shall be the duty of the officer in whose hands the same is placed to regard said writ as a common summons and said officer is expressly prohibited from requiring bal in any such case: Provided, That in all cases the provisions of this act shall be extended to all persons of la dian descent, who are recognized as members of any tribe residing in the state of Indiana, down to those he ving one-eighth Indian blood.

SEC. 5. No white man or negro shall hereafter have the benefit of any of the legal remedies for the collection of debts hereafter contracted by an Indian within the limits of the state of Indiana, and all contracts hereafter made with Indians shall be null and void.

This act shall be in force from and after its passage and it shall be the duty of the secretary of state to make out certified copies of the same, and cause them to be filed in the clerk's office of the counties of Clinton, Carroll, Cass, Miami, Wabash, Huntington, Allen and Grant

CHAPTER LIL

A Joint Resolution suspending the fifth section of an act passed the present session of the general assembly, entitled "an act for the relief of the Miami and other Indians."

[APPROVED, FEBRUARY 10, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That the fifth section of an act passed at the suspension of present session of the general assembly, entitled an act breviously passes for the relief of Miami and other Indians, be, and the ed. same is hereby suspended for the term of five years.

This joint resolution to be in force from and after its

CHAPTER LIII.

An Act to attach certain territory therein named to Jasper county.

[APPROVED, FEBRUARY 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That all that part of White county, included Territory at. in the following boundary lines be, and the same is here-tached. by, attached to the county of Jasper, to-wit: commencing at the northwest corner of White county; thence east six miles; thence south five miles; thence west six miles to the county line dividing the counties of White and Jasper; thence north with said line to the place of beginning: Provided, however, That all pleas, plaints, and prosecutions now pending, shall progress, and be determined; and all taxes due, shall be collected in the proper county, as if this act had not been passed.

This act to be in force from and after its passage.

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CHAPTER LIV.

An Act to authorize the board doing county business in Spencer county to increase the number of places of holding elections in said county.

[APPROVED, FEBRUARY 3, 1841.]

ship.

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in the places of voting county of Spencer, are hereby invested with power to establish two places of holding election in the several townships in said county, should they deem the same expedient.

> This act to be in force from and after a copy thereof shall have been filed in the clerk's office of said county and the secretary of state is hereby directed to furnish such copy.

CHAPTER LV.

An Act to amend "an act for the regulation of the state prison," approved February 17, 1838.

[APPROVED, FEBRUARY 10, 1841.]

Sec. 1. Be it enacted by the General Assembly of the Superintendent. State of Indiana, That it shall be the duty of the Governor to appoint a superintendent, or superintendents of the state prison of Indiana, who shall continue in office from the 14th day of June, 1841, until the 14th day of June, 1846, who shall have entire control and manage ment of said institution, except as otherwise provided by law, subject however to be removed by the legislature, whenever he, or they shall fail to manage the institution in such manner as the interests of the state may require, and the law directs, and shall be subject to such regulations as the general assembly may establish for the government and management of said prison.

SEC. 2. That it shall be the duty of the superintendent or superintendents to employ not less than four suitable persons, as a guard for the safe keeping of the convicts, and the governor shall appoint a physician, with whom he shall contract for the furnishing all necessary medicine

and attendance to the prisoners, and the performance of the duties specified in this act for such sum as may be agreed upon, not to exceed three hundred dollars per annum, to be paid out of the joint profits of the institution; and said physician shall attend to the health of the prisoners, and shall visit the prison at least once per day and oftener if necessary; and he shall annually report to the legislature, and monthly to the governor, the condition of the prison, the discipline exercised over the convicts, and make such suggestions respecting improvements in the treatment of the convicts, and the discipline of the institution, as he may think best calculated to promote the interests thereof.

SEC. 3. That the said superintendent or superinten. Machinery to be dents shall be at liberty to erect, in said institution, such convicts emmachinery as he or they may deem best calculated to ployed within promote the interests of the institution, to be either made prison enclosing the prison enclosed the prison enclos in the prison, or paid for by the institution, and shall employ the convicts within the work shops and walls of the prison enclosure, as soon as they shall be elected: And provided, also, that all machinery so erected shall, at the expiration of the time said superintendent or superintendents may continue in office, be the sole property of the state.

SEC. 4. That the said superintendent or superinten- Articles to be dents shall be at liberty to furpish a sufficient number of furnished by successful wardens. carts, wagons, oxen, and all other articles necessary for the use of said institution: and the articles of every description so furnished to the said institution, shall be paid for out of the proceeds of sales of articles manufactured in said institution, and shall become the joint stock of the state of Indiana and the superintendent or superinten-

dents. SEC. 5. That it shall be the duty of the superinten- Duty of superindent or superintendents, to take upon himself or them-tendent. selves, the whole management and expense of said institution, in such manner as he or they may deem best for the interest thereof, to provide for the comfortable clothing and victualling the convicts, for their guard and safe keeping, and to defray all other expenses incident to the management and well being thereof, to see that an accurate account thereof, together with the proper vouchers upon which such account is founded, is rendered to the clerk, to be entered by him upon the books of the state prison.

SEC. 6. That the said superintendent or superinten- Compensation dents, shall receive as a compensation for his or their ser-of. vices and liabilities, in the management of said institution, one equal moiety of the nett profits thereof, after defray-

Guard.

Physician.

ing all the expenses of the institution, and expenditures authorized and required by this act; and in the event of his or their removal or death, he or they, or his or their representatives, as the case may be, shall be entitled to his or their just proportion, up to that time, or the nett profits of said institution.

Oath and bond.

SEC. 7. That before the superintendent, or superintendents, shall enter upon the discharge of the duties of the office, he or they, each shall take the following oath: "I do solemnly swear that I will faithfully and impartially discharge the duties of superintendent of the state prison, according to law." And the said superintendent or superintendents shall, also, enter into bond to be filed in the office of the secretary of state, with good and sufficient freehold security, to be approved of by the governor, in the penalty of twenty thousand dollars, payable to the state of Indiana, conditioned that he or they will faithfully perform the duties of superintendent or superintendents of the state prison according to law and perform all the duties imposed by this act and the act to which this is an amendment: which bond may be sued upon, on behalf of the state, as often as the conditions thereof are violated.

Report.

SEC. 8. That the superintendent or superintendents shall make an annual report to the legislature during the first week of its session, of the general condition, operations, and business of the institution.

This act not affected by the right of pardon

to state.

SEC. 9. That the exercise of the right of reprieve or pardon, by the governor, shall not in any way be considered by the superintendent or superintendents, as a vio-Amount of pro. lation of the provisions of this act: Provided, That if the state's proportion of nett profits of said institution, shall in any year, fall short of the sum of four thousand dollars, including any account which the state may make with said institution, together with the expense of building, as provided for in the 15th section, the said superintendent or superintendents shall make up the deficiency, so as to guarantee to the state, a clear profit of at least four thousand dollars per annum: And provided also, That the state shall not draw more than four thousand dollars in any one year from said institution; the overplus, (if any) remaining as . capital belonging to the state to purchase raw material for the use of the institution.

Vacancy in the office of superintendent.

SEC. 10. That in the event of the death of the superintendent, or superintendents, or of his or their refusal to qualify or give bond, agreeably to the provisions of this act, it shall be the duty of the governor to appoint a superintendent or superintendents, who shall continue in office during the remainder of the term mentioned in the first section of this act.

SEC. 11. That a clerk of the state prison shall be appoint- clerk &c., his ed by the governor, whose duty it shall be to keep a true duty. and faithful account of all the transactions of every kind relating to the business, contracts, expenditures, and income of said institution, and to make semi-annual reports to the auditor of public accounts, stating therein the debts and credits, and balances for and against the institution, and when due to and from the same. It shall also be his duty to keep a journal, ledger, and cash book, in which the accounts of this institution shall be fully and fairly entered, according to the usual course of business, and bookkeeping, and have the accounts which may accrue each week, posted up at the end thereof: Provided, That said clerk shall, before he enters upon the duties of his office, take an oath before some justice of the peace, or any person authorized by law to administer oaths, faithfully and impartially to discharge the duties of clerk to the state prison; and shall also execute a bond, to be approved of by the governor, and filed in the office of the secretary of state, in the penalty of two thousand dollars, with good and sufficient security, payable to the state of Indiana, conditioned that he will, well and truly perform as clerk of the state prison, all the duties enjoined on him by law, or which may appertain to the duties of his office as clerk; And provided further, That no person related to the superintendent or superintendents shall be eligible to the office of clerk of the state prison.

SEC. 12. That the governor shall have power to remove Governor may the clerk at any time, for incompetency or misdemeanor remove clerk. in office, and appoint another in his place; and should it become necessary, by reason of the sickness or death of the clerk, or any other accident, that another clerk should be appointed, the superintendent or superintendents may make such appointment, pro tem., or otherwise, as he or Pro tem. apthey may deem necessary, which clerk, so appointed, shall pointed. take the like oath, and enter into like bond, until another is appointed, as prescribed in the eleventh section of this act.

SEC. 13. That the books of said clerk shall, at all times Books open for be open for inspection of any committee of the legislature, inspection: and to any visiter commissioned by the governor for that purpose; and that said clerk shall receive, for his services, the sum of eight hundred dollars per annum, which shall Clerk's salary. be paid him by the superintendent or superintendents, quarterly, out of the joint profits of the institution.

SEC. 14. That if said clerk shall make any false or fraud-Penalty against ulent entry, or omit to make any entry that he should clerk.

make, with a fraudulent intent, it shall be the duty of the governor, forthwith to remove him from office, and he shall be liable, moreover, to be indicted in the circuit court of Clarke county, and be fined in any sum not exceeding one thousand dollars.

Cells and other be erected.

SEC. 15. That said superintendent or superintendents improvements to shall erect in said institution, at the expense of the state (and to be paid for out of the sum of four thousand dollars to which the state will be entitled annually by the provisions of this act) such an additional number of cells or dormitories, as may be necessary for the accommodation of the prisoners, or to ventilate and otherwise improve such as are already built, having regard as well to health and comfort, as to the safe keeping of the prisoners in separate and solitary confinement; to erect such additional shops as may be necessary to give employment to the convicts; and also to erect a building near the northern extremity of the area inclosed by the walls, to serve as a chapel in the lower or basement story, and as a hospital above; and such superintendent or superintendents, shall cause a just and true account to be kept by the clerk of the state prison, of the expense of said buildings, for the information of the legislature; and the governor shall appoint one or more disinterested persons to examine the account, and the buildings, and to estimate the value thereof, and make out two copies of the same, one for the superintendent or superintendents, and return the other to the auditor of public accounts.

Tobacco, to con-

SEC. 16. That tobacco, in such quantities, and at such times, as may be necessary, be furnished to the convicts, by the superintendent or superintendents, the expense of which shall be paid out of the profits of the institution.

Chaplain.

Sec. 17. That it shall be the duty of the governor to appoint and commission a chaplain for the state prison, whose duty it shall be to lead or conduct religious exercises, within the prison, on each Sabbath, and impart such other instruction to the convicts as may be in his power, by organizing sabbath schools, distributing religious tracts, &c. And the said chaplain shall receive as a compensation for his services the sum of two hundred and fifty dollars, to be paid out of the amount annually coming from the institution to the state.

Repeal.

SEC. 18. So much, or so many of the provisions of the act to which this is amendatory, as come within the purview of this act, be, and they are hereby repealed.

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CHAPTER LVI.

An Act to amend an act entitled, an act to provide for public printing, and for the distribution of the laws and journals, approved Feb. 16, 1839.

[APPROVED, JANUARY 21, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State Public printers, of Indiana, That in the month of January, 1841, and eve-how chosen, ry three years thereafter, the two houses of the general term of service, assembly, shall choose by joint ballot, a public printer, to serve for three years, from and after the first day of August next, after each of said elections; and the person so elected shall, within twenty days thereafter, enter into shall give bond. bond and security to the satisfaction of the auditor, treasurer, and secretary of state, for the prompt, accurate, and neat execution of the work; and in case of any inconvenient delay in the delivery of the work, required by this act, or that may be required by either house, the auditor, treasurer, and secretary of state shall be authorized to employ any other person to execute any portion of the work herein provided for, and charge the excess, if there be any, to the account of such printer guilty of such negligence and delay.

SEC. 2. The prices to be paid such public printer are here-Prices of work. by established as follows: for composition, per thousand ems plain matter, forty-five cents; figure work, per thousand ems, sixty-five cents; ruled and figure work, per thousand ems, eighty cents; press-wæk per token, common forms, forty-five cents; broad sides, per token, sixty cents; folding reports and bills, per thousand copies, on each signature, (distinct tables to be considered as signatures,) twelve and a half cents; stitching reports and bills

per hundred copies, twenty cents.

SEC. 3. All printing done on account of the state of Indiana shall be subject to the provisions of this act. So much of the act to which this is an amendment as comes within the purview of this act, is hereby repealed.

grovements on is hereby authorized and empowered to make inpueve

st temporiver ments on said civer, within the boundaries of the state of

This act to be in force from and after its passage.

river, by steam boats or lead slat boats, without infring-

Accessor, That no tells shall be established on account of

CHAPTER LVII.

An Act to amend an act, amendatory to an act entitled an act concerning the seminary townships of land in Gibson and Monroe counties, approved January 25, 1837, approved February 24, 1840.

[APPROVED, FEBRUARY 10, 1841.]

Per cent. allow ed commissioners of reserve townships in Gibson and Monroe coun.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioners of the reserve townships of land in Gibson and Monroe counties, shall be entitled to receive, from the passage of the act to which this is an amendment, the same per cent. on all moneys paid over by them, or either of them, to the treasurer of the Indiana university, that is now allowed in payments made to the treasurer of state by said commissioners.

This act to be in force from and after its passage.

CHAPTER LVIII.

An Act to authorize the state of Michigan to make certain improvements on the St. Joseph river, and for other purposes.

[APPROVED, JANUARY 14, 1841.]

WHEREAS, the state of Michigan has appropriated the sum of thirty thousand dollars, for the improvement of the St. Joseph river; and, whereas the legislature of the state of Indiana does not deem it advisable to make any appropriations in that behalf; and, whereas such appropriation on the part of the state of Michigan will be comparatively useless and unavailable, if she be not authorized to improve said river within the boundaries of the state of Indiana; Therefore—

State of Michigan authorized to make im-

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the state of Michigan be, and she provements on is hereby authorized and empowered to make improve-St. Joseph river. ments on said river, within the boundaries of the state of Indiana, for the purpose of aiding the navigation of such river, by steam-boats or keel flat-boats, without infringing upon any private rights, by injury to dams, locks, or races upon or in the vicinity of such river: Provided, however, That no tolls shall be established on account of

said improvements, and that the navigation of such river shall at all times be open and free.

Sec. 2. Any person or persons who shall wilfully obstruct the operations of the state of Michigan, in the prosecution of such improvments, in any manner whatever, shall be fined in any sum not less than twenty-five nor more than one hundred dollars, on presentment or indictment in any court of competent jurisdiction.

CHAPTER LIX.

An Act to amend an act entitled, an act for the encouragement of agriculture, approved February 7, 1835.

[APPROVED, FEBRUARY 2, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Officers. State of Indiana, That the officers of each agricultural society in this state shall consist of a president, vice president, corresponding and recording secretaries, a treasurer, and a number of curators, not to exceed ten, who, together with the other officers named in this section, shall constitute a board of managers, and shall be elected by the society from the members thereof, at its annual meeting, or a meeting called for that purpose, and shall hold their offices one year, and until their successors are chosen.

SEC. 2. It shall be lawful for said agricultural societies sales. to hold annual, or semi-annual sales by auction or otherwise, as they may deem expedient, of all agricultural products, farm stock, &c., and shall have power to make all the necessary rules and regulations to carry the same into effect, not contrary to the constitution and laws of the state.

SEC. 3. So much of the act, entitled, an act for the en-Repeal. couragement of agriculture, approved February 7, 1835. as comes within the purview of this act, is hereby repealed.

This act to take effect and be in force from and after

its passage.

CHAPTER LX.

An Act to authorize the governor of this state to order a special election for representatives in congress.

[APPROVED, JANUARY 20, 1841.]

Governor authorized to order special election for representatives in congress.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That his excellency the governor of this state, be, and he is hereby authorized to issue his proclamation, ordering a special election to be holden in the several congressional districts in this state, and at the usual places of holding elections therein, on such day as he may appoint, for the purpose of electing seven representatives for the state of Indiana, in any meeting of the congress of the United States, which may be called by the president thereof on or after the fourth day of March next, and to be holden before the first day of August next; and the persons so chosen, at such election, are hereby declared to be, to all intents and purposes, the representatives of this state, in the twenty-seventh congress of the United States; and the governor shall cause to be issued writs of election to the sheriffs of the several counties in each congressional district for said purpose.

SEC. 2. Such elections shall be held and conducted, and returns thereof made, and certificates of election given, in all respects as provided by the laws now in force upon the subject of congressional elections.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXI.

An Act for the preservation of sheep.

[APPROVED, JANUARY 25, 1841.]

Dogs to be tax

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That every person who shall keep or harbor more than one dog, above the age of six months, shall be taxed yearly and every year for every dog so kept or harbored, the sum of one dollar; which tax shall be assessed and collected in the same manner, as other annual taxes are or shall be collected, and paid into the county treasury

at the same time the county revenue is paid, and shall be set apart for the purposes hereinafter provided.

SEC. 2. Every inhabitant who shall refuse or wilfully renative for neneglect to report to the assessor, the number of dogs despecting to report dogs to asclared taxable by the first section of this act, which are sessor.

owned or harbored by him, or her, as aforesaid, shall for every such refusal or neglect, forfeit and pay the sum of five dollars, to be recovered with costs by action of debt before any court having competent jurisdiction upon the complaint of any freeholder of the county.

SEC. 3. It shall be lawful for any person to kill any Lawful to kill a dog which may be found chasing or worrying any sheep or lamb.

Sec. 4. The taxes collected by virtue of this act, shall Tax, how apbe appropriated to make good any loss or losses which propriated may be sustained by any person or persons by the destruction, or wounding of sheep within the county, and shall be kept as a fund by the county treasurer for that purpose.

SEC. 5. When any person shall sustain damage, by Damage to having sheep killed or injured by dogs or wolves, it shall sheep, compenbe lawful for such person to have the damage appraised by two disinterested freeholders of the township where such damage was sustained; such appraisers shall certify the amount of damage, which certificate, verified by the appraisers, shall be presented to the board doing county business at their January term in each year, and said board, if they deem such claims equitable, shall direct the treasurer to pay them out of the fund collected on account of the tax on dogs, and if there be not sufficient funds in his hands herein set apart for that purpose to pay all such claims, then they shall be paid in equitable proportion; and if, after adjusting all such claims at the January term, there should remain a balance of said funds in the hands of the treasurer, such balance shall be added to the ordinary revenue for county purposes.

This act shall take effect and be in force from and operation limitafter the first of March next in the counties of Franklin ed. and Fayette.

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CHAPTER LXII.

An Act to prevent the spreading of the disease, commonly called the glanders, among horses.

[APPROVED, JANUARY 14, 1841.]

WHEREAS, the said disease is known to be contagious, and always fatal; Therefore-

Penalty for suffering horses having glanders

Be it enacted by the General Assembly of the State of Indiana, That if any person or persons shall knowingto run at large. ly suffer any horse, mare, or gelding to be taken, or used, off of his, her, or their farm or farms, or to run at large while under the influence of said disease, he, she, or they shall forfeit and pay for every such offence, any sum not less than twenty dollars, nor over fifty dollars, to be recovered by presentment or indictment before any court of competent jurisdiction, for the use and benefit of the county seminary.

This act to be in force from and after its passage.

CHAPTER LXIII.

An Act in relation to school moneys deposited with the superintendent of the loan office.

[APPROVED, FEBRUARY 10, 1841.]

Money to be loaned.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the funds arising from the sale of any of the school lands, of any congressional township in this state, heretofore deposited in the loan office, shall continue to be loaned in the same manner, and subject to all the regulations, provisions, and restrictions, which by law govern the loaning and collection of the college funds under the charge of the superintendent of the loan office.

Funds may be loan office.

Sec. 2. That when the inhabitants of any congreswithdrawn from sional township shall express by their vote, to be taken in the same manner that said vote had been taken in favor of depositing said funds in the loan office, desiring to withdraw their funds from the loan office, and shall, by the certificate of the township trustees, notify the superintendent of the loan office of such fact, it shall be

the duty of the superintendent to withhold any further loans of said fund, but shall pay over to the treasurer of such township, on the order of the board of trustees, all the principal of such fund, so fast as the same shall come into his hands.

SEC. 3. Such township treasurers, immediately upon shall be deposit the receipt of such money, shall deposite the same in the ed with school hands of the school commissioner of his proper county, taking therefor, the receipt of such commissioner, and filing the same away with the papers belonging to his township.

SEC. 4. The school commissioner after the receipt of Commissioner to such money shall loan the same out, and divide the inte-loan such mo. rest arising thereon, as is directed by law, in relation to

other township school funds.

SEC. 5. That said treasurer shall annually, on the sec-Interest, when ond Monday of January, or within thirty days there-to be paid. after, pay over to the treasurer of the proper township, the entire nett amount of interest which has accrued from the funds of such township deposited in the loan office for the year then ending.

CHAPTER LXIV.

An Act to define the boundary line between the counties of Clark and Floyd.

[APPROVED, JANUARY 25, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Commissioners. State of Indiana, That Samuel Merriwether of the county of Clark, and Gamaliel Garretson of the county of Floyd, be, and they are hereby, appointed commissioners, to settle and determine that portion of the boundary line between the counties of Clark and Floyd which lies between the two following points, to-wit: commencing at a point on the south line of Washington county, at the corners of sections thirteen, fourteen, twenty-three, and twenty-four, in town one south, range four east, thence east with the Washington county line, until it strikes the summit of the Silver creek knobs, thence southwardly with the extreme height of said knobs to a point where the extended sectional line dividing sections twenty-four and twenty-five, in township one south, in range four east, strikes the summit of said knobs.

Their oath and duty.

SEC. 2. Said commissioners, after having been notified of the passage of this act, by the sheriffs of their respective counties, or by the reception of a copy of this act, and having taken an oath faithfully and impartially to perform the duties required of them by this act, shall, on the first Monday in April or at any time thereafter as soon as may be practicable, proceed to the point of commencement as set forth in the first section of this act; and if, upon examination, they can locate and determine said boundary by sectional lines, so that no loss of territory or citizens shall happen to either county, they shall so determine it; if upon examination said commissioners shall find that the adoption of sectional lines will reduce the territory of either county from what would be its contents by running a line with the summit of the knobs, they shall then survey and mark said boundary, by a line on said summit between the points aforesaid.

SEC. 3. Said commissioners shall forthwith, after such

Maps and reclerks' offices.

ports to be filed determination or survey, make out duplicate maps and reports thereof, and file one copy of the same in the clerks' offices of each of said counties of Clark and Floyd, which shall be immediately recorded by said clerks in the circuit court order book, and from thenceforth, said survey and the line so ascertained, shall be taken and considered the proper line dividing the counties of Clark and Floyd, between the two points aforesaid. Said commissioners are hereby authorized to call to their assistance a suitable number of persons as chain carriers and markers, who shall be sworn before entering upon their duties; and said commissioners shall at the time of making their report as aforesaid, file with said clerks, an account of their services and those of the chain carriers and markers, dividing the whole amount thereof equally between said counties; which accounts shall be by the boards doing county business in said counties respectively ordered to be paid to said commissioners, chain carriers, and markers: Provided, Said account shall not be more than is usually paid for such services.

Compensation.

Vacanev.

SEC. 4. That in case said commissioners, or either of them, shall neglect or refuse to serve as such, the board doing county business of the proper county, shall appoint some other suitable person, to perform said duties; and such person or persons so appointed, shall in all things be governed by the provisions of this act.

SEC. 5. This act to be in force from and after its pas-

sage.

CHAPTER LXV.

An Act defining the duties of petitioners for re-locating seats of justice, and for other purposes."

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Notice of inten-State of Indiana, That hereafter, when any person or for removal of persons shall be desirous to petition to the legislature of county seat, or this state on the subject of a removal of any county seat alteration of of their respective county line, to of their respective counties, or for the alteration of any be given. county line, it shall be the duty of said petitioners or any one of them, at least thirty days previous to the circulation of said petition or petitions, to give notice of said intention. by publication in some newspaper published in said county, if any there be, and if no newspaper be published in said county, then by written advertisements posted up in one of the most public places in each township in said county, one of which shall be posted up in the clerk's office of said county or counties.

SEC. 2. It shall further be the duty of said petitioner Affidavit of noor petitioners, or any two of them, to make out and for-tice. ward with said petition or petitions, an affidavit duly authenticated, stating that notice or notices required by this act was given, and in what manner the said notice was so given, whether by publication in a newsaper or

written advertisements.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXVI.

An Act to amend an act entitled "an act to regulate the mode of doing county business in the several counties of this state."

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Liabilities of State of Indiana, That the justices of the peace, as members of members of the board doing county business in any coun-county board. ty in this state, shall be and they are hereby made liable individually to all the penalties, for the neglect of any of the duties required of them by law, as members

of such board, that county commissioners are made liable for by the 10th section of an act entitled "an act regulating the mode of doing county business in this state," approved Feb. 17, 1838.

Duty of circuit court.

SEC. 2. It is hereby made the duty of the circuit judges to give this act, and the act to which this is an amendment, in charge to grand juries.

CHAPTER LXVII.

An Act to provide for the revision of the laws.

[APPROVED, FEBRUARY 4, 1841.]

Revision how and when to be State of Indiana, That Samuel Bigger be, and he is hereby, authorized to prepare a compilation and revision of the general statute laws of this state, and to suggest such amendments and alterations in any of said statutes, and to propose such additional ones as he may deem proper, with a view to the adoption and enactment by the legislature, of a full and complete code of general laws; such revision to be completed and reported to the general assembly as early as possible: Provided, the same shall be reported as early as the second Monday in December, 1842.

Compensation.

SEC. 2. For his services in making such revision, the said Samuel Bigger shall receive such compensation as the legislature may hereafter see proper to allow him.

Repeal.

SEC. 3. The joint resolution, approved Feb. 17, 1838, entitled "a joint resolution on the subject of the revision of the laws," and the joint resolution, approved Jan. 28, 1839, entitled "a joint resolution in relation to the supreme judges of this state," are hereby repealed.

This act to take effect and be in force from and after

its passage.

CHAPTER LXVIII.

An Act to amend an act entitled "an act for the relief of the poor," approved, February 17, 1838, so far as the same relates to Marion county.

[APPROVED, FEBRUARY 4, 1841.]

SEC. I. Be it enacted by the General Assembly of the County board in State of Indiana, That it shall be lawful for the board domain appoint suing county business in Marion county, to employ some perintendent of suitable person to superintend the asylum for poor in said asylum.

Sec. 2. Said board doing county business shall have Employ physipower to employ some suitable physician to attend all sick persons, who are paupers in said county, whether re-

sident or transient.

SEC. 3. It shall be the duty of one of the commissioners, shall visit asyto visit said asylum, once in each month, and see that the same is properly conducted, and that the paupers therein are comfortably and properly provided for. All Repeal, limited, laws coming within the purview of this act, so far as regards Marion county, be, and the same are hereby, repealed.

This act to be in force from and after its passage.

CHAPTER LXIX.

An Act to amend "an act to provide for the distribution of the laws and journals," approved, February 10, 1831.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the How copy of State of Indiana, That hereafter, when any person shall laws may be obbe desirous of obtaining a copy of the general and local acts of the next ensuing session of the legislature of this state, it shall be lawful for such person to leave his name with the treasurer of his county, on or before the fifteenth day of November in each year, and at the same time, pay such treasurer the sum of fifty cents.

Sec. 2. It shall be the duty of the treasurer aforesaid, Duty of county to deliver a list of said names, together with the sum of treasurer &c. fifty cents for each name, to the collector of the state revenue for his county, and also to hand to the clerk of the circuit court in said county, a list of such names. And it shall be the duty of the collector aforesaid, to take charge

of and deliver such list and money to the treasurer of state.

State treasurer.

SEC. 3. It shall be the duty of the treasurer of state to give a list of such names to the state printer, who shall print such additional number of the laws as may be necessary for supplying such persons leaving their names as aforesaid; and also to give a list of the names from each county, to the secretary of state.

Secretary of state.

SEC. 4. The secretary of state shall be required to transmit, when the laws and journals are distributed to the several counties, by the same conveyance, such additional copies of the laws, to each county, to be delivered by the clerk of the circuit court, to the persons entitled to receive

This act shall take effect and be in force from and after

its passage.

CHAPTER LXX.

An Act to amend an act entitled "an act to regulate the jurisdiction and duties of justices of the peace," approved, February 17, 1838.

[APPROVED, JANUARY 25, 1841.]

Alias or pluries summons &c. may issue.

and judgment

thereon.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That, hereafter, whenever any summons or capias ad respondendum, issued by a justice of the peace in this state, shall be duly returned "not found" by the proper officer, on the return day thereof, the jus-Partial service tice may issue an alias or pluries summons or capias, at the request of the plaintiff, his agent or attorney; and in case any summons or capias shall be returned by such of ficer endorsed thereon served as to one or more of said defendants, and "not found" as to one or more of them, it shall be lawful for the plaintiff, his agent or attorney, to cause the return to be entered on the docket of such justice issuing such process, and proceed to judgment and execution as in other cases against the defendant or defendants upon whom the process shall have been served; ings against those not those not found, and may at any time thereafter proceed against those not found; but it shall not be lawful for any officer to return "not found" as to any defendant or defendants unless he shall have been once at least to his or their usual place of

making return. residence, if such defendant or defendants have any in said county.

SEC. 2. In case judgment may not be rendered against

all of such defendants, because of such return of "not Note &c. may found," and the plaintiff or plaintiffs may desire to pro-be withdrawn. ceed against the remaining defendant or defendants. It shall be the duty of the justice of the peace before whomthe first suit may be brought, on request of such plaintiff or plaintiffs, his, her, or their agent or attorney, to suffer the note or obligation on which such suit may have been brought to be withdrawn, such justice retaining a copy thereof.

SEC. 3. That where two or more persons shall be joint-Proceedings ly, or jointly and severally bound, in any contract or le-against joint de-gal liability on for any contract or le-fendants residgal liability, or for any injury done or permitted, and shall ing in different reside in different townships in the same county, it shall townships. be lawful for the plaintiff or plaintiffs, to commence his, her, or their action, in the township in which one of said defendants may reside, and the process issued thereon shall be directed against and served on all of said defendants, as though they all resided in the same township, and judgment and execution shall be had thereon as in other cases.

This act to be in force from and after its passage.

CHAPTER LXXI.

rer, ex-officio Cio, be trensurer

An Act to protect lands mortgaged to the state from forfeiture for the non-payment of corporation taxes.

[APPROVED, FEBRUARY 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That the provisions of the twenty-sixth section Act of 1837, exof the act to provide for distributing so much of the sur-tended to em. plus revenue of the United States, as the state of Indianation taxes. may be entitled to and receive by virtue of an act of congress, approved 23d June, 1836, which law of Indiana was approved February 6th, 1837, shall be deemed and construed to extend to and embrace all sales of lots or land for corporation taxes, and the titles and interests thereby conveyed.

Suc. 5. The board of commissioners shall make texhi-

said treasurer clerk, and librarian, such compensation for

This act to take effect from and after its passage.

CHAPTER LXXII.

An Act to amend the act entitled "an act to incorporate county libraries," approved February 17, 1838.

[APPROVED, DECEMBER 24, 1840.]

WHEREAS, The president and trustees of the Shelby county library have become extinct, and the citizens and authorities of said county have, for several years, failed and neglected to elect, appoint, and perpetuate a board of trustees for said library; and which library contains many valuable works, and which for some time have been going rapidly to waste and loss: For remedy whereof.

library.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter all and singular the duties required by law of the president and trustees of the Shelby county library are hereby transferred to the board of commissioners; and said board, at any regular session thereof, shall perform all and singular the duties in relation to said county library, in manner, as specified to be performed by the president and trustees of said library, in the act to which this is an amendment, except as hereinafter provided.

County treasurer, ex-officio treasurer of 1 brary.

SEC. 2. The treasurer of Shelby county shall, ex-officio, be treasurer of said library, and shall semi-annually, at the May and November sessions of said board, make full reports of the situation of the library funds in his hands. He shall demand, sue for, recover, and receive all moneys due, belonging, and accruing to said library, and pay the same over, on the order of said board of commissioners.

county board.

Duty of clerk of Sec. 3. The clerk of the board of commissioners shall record all proceedings of said board in relation to said library, in books to be kept for that purpose.

Clerk of the court, ex offico librarian.

SEC. 4. The clerk of the Shelby circuit court shall, ex-officio be librarian; and it is hereby made his duty to discharge all and singular the duties required of him by law; and the regulations and by-laws of the said board of commissioners, on the subject of said library; he shall demand, sue for, recover, and receive all books, maps, charts, furniture, or other property of said library, and shall loan or otherwise dispose of the same, agreeably to the bylaws of said board of commissioners. He shall take an oath, faithfully to discharge all his duty as such librarian. SEC. 5. The board of commissioners shall make to the

Compensation.

said treasurer, clerk, and librarian, such compensation for

services rendered under the provisions of this act as shall be just and right.

This act shall take effect and be in force from and after its passage.

nesset SEC 3. That nothing is this act thall be so taken or there construed as to affect my accused tayern-keeper, in his fades red to an CHAPTER LXXIII. as label and to

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An Act to amend an act entitled "an act relative to crime and punishment," approved February 10, 1831.

[Approved, February 13, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That from and after the passage of this Booth, stall, &c. act, it shall not be lawful for any person or persons, to for sale of lierect, place, or have any booth, stall, tent, carriage, boat, hibited within or vessel, at any other place whatever, for the purpose or one mile of page of selling giving on otherwise disposition. use of selling, giving, or otherwise disposing of any kind of spirituous liquors, wine, porter, beer, cider, bread, cakes, fruits, melons, confections, or meats or drinks of any kind whatever, or other articles of traffic (except as hereinafter excepted) within one mile of any place of religious worship in this state during the time of holding any meeting for religious worship at such place.

SEC. 2. That if any person or persons shall or do violate this act by erecting, fixing or having, any booth, stall, tent, carriage, boat, or vessel, or other place, for the purpose or use aforesaid, or by selling, bartering, giving, or otherwise disposing of any kind of spirituous liquors, wine, porter, cider, bread, cakes, fruits, melons, confections, or meats, or drinks of any kind whatever, or any other articles of traffic in, at, or about any such booth, stall, tent, carriage. boat or vessel, or any other place whatever, prepared or used for the purposes aforesaid, within one mile of any place of religious worship, during the time of holding any meeting for religious worship at such place, the person or persons so offending shall first be informed of his, her, or their violation of this act, and shall be warned by any justice of the peace, constable, or two freeholders of the county where the offence is or shall have been committed, to desist from such offence and to remove such booth, stall, tent, carriage, boat, or vessel or other thing, together with all such spirituous liquors, wine, porter, cider, beer, bread, cakes, fruits, melons, confections, or meats or drinks of any kind what-

ever or other articles of traffic, belonging to or in the possession of the person or persons so offending, and if such person or persons on receiving such information and warning, shall forthwith cease to offend against this act, and shall remove as aforesaid, at least one mile from such place of religious worship, then no further proceedings under this act shall be had against such person or persons.

Shall not affect keeper, &c.

Sec. 3. That nothing in this act shall be so taken or licensed tavern construed as to affect any licensed tavern-keeper, in his or her lawful and ordinary business, at his or her usual place of residence, specified in his or her license; nor shall it be so taken or construed as to affect any merchant, shop keeper, mechanic, or other person in the usual and lawful transactions of his, her, or their ordinary concerns and business, in their usual place of doing such business.

Defendant may

SEC. 4. That if any suit or action shall be brought plead the gene-against any person or persons for doing or causing to be done, any thing in pursuance of the provisions of this act, the defendant or defendants may plead the general issue and give the special matter under this act in evidence; and if in such suit or action, a verdict and judgment shall be given for the defendant or defendants, or the plaintiff shall become nonsuit or discontinue his action, the defendant or defendants shall have and recover costs of suit.

Sec. 5. So much of the sixty-sixth section of the act to which this is an amendment, as comes within the purview of this act, be, and the same is hereby repealed.

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or assistance, or by sallier benefiting givings

An Act to authorize school commissioners to refund money in certain cases therein mentioned.

[APPROVED, JANUARY 29, 1841.]

Be it enacted by the General Assembly of the State Interest refund. of Indiana, That in all cases where school commissioners ed in certain ca in the several counties of this state shall have charged and collected twenty-five per cent. interest on loans obtained previous to passage of an act entitled "an act amendatory to an act incorporating congressional townships and providing for common schools therein," approved February 17, 1840, the said school commissioners

shall, on application, refund the amount so paid, to the persons who may have paid the same. Nothing in this act shall be so construed as to prevent school commissioners from retaining the amount of interest specified or set forth in any mortgage they may hold in their respective

This act to take effect and be in force from and after its passage.

for which del digna, That, who never hereafter, any execution defend.

very bond to not and shall execute to ney affect a delivery bond for any

ther executed personal property upon which such officer shall have

size none it chantle still its not more than its outility of porvet CHAPTER LXXV. dishacion solito

borty at the fisnesand An Act concerning petit jurors in certain counties therein named.

[Approved, February 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That hereafter there shall be selected and sum-Number of petit moned but fifteen petit jurors for each week of the regu-jurors in certain lar terms of the circuit count in the full countries. lar terms of the circuit court in the following counties, to-wit: Fayette, Rush, St. Joseph, Knox, Henry, Randolph, Laporte, Porter, Lake, Bartholomew, Wabash, Benton, Decatur, Pulaski, Marshall, Clinton, Spencer, Washington, Perry, Vermillion, Shelby, Harrison, Jennings, Whitley, Union, Huntington, Madison, Sullivan, Kosciusko, Miami, Lawrence, Clay, Morgan, Jay, Adams, Fulton, Cass, Carroll, Hendricks, Monroe, Blackford, Wells, Elkhart, White, Jasper, Fountain, Owen, Montgomery, Daviess, Dubois, Boone, Grant, Johnson, and Crawford, to be selected and summoned agreeably to the provisions of the several laws now in force on that subject.

SEC. 2. That in the county of Henry, there shall be concerning but one pannel of petit jurors, fifteen in number, drawn Henry county. and empanneled for any term of said court, who shall be drawn for and required to attend during the sitting of the court at the term for which they may be so empan-

This act to be in force from and after its passage. d court may also permit the defendant in

any such action to file one or more statements of his de-

ments of defence have been alads which permission to such

od, subject to the same terms, rules, and restrictions, and

are provided in the fifth section of an act, approved Pob

ruary 4, 1833, entitled an act to amend an act, entitled

Deserted may fence, where none has been filed, or to file one or more

ate vie defence, additional statements of delence, watre one or sierestate.

CHAPTER LXXVI.

An Act to amend an act entitled "an act subjecting real and personal estate to execution," approved February 4, 1831.

[APPROVED, JANUARY 25, 1841.]

Where property very bond is not ther execution may issue.

Be it enacted by the General Assembly of the State of Infor which deli- diana, That, whenever hereafter, any execution defenddelivered, ano. ant shall execute to any officer a delivery bond for any personal property upon which such officer shall have levied, by virtue of an execution in his hands, if such execution defendant shall fail or refuse to deliver such property at the time and place specified in said bond, and according to the condition thereof, such officer shall have full power and authority to again levy upon the same or other property; and upon so levying again, he shall take levy officer shall such property into his actual possession, and retain the same until the day of sale, and shall not be bound to receive from such execution defendant a second delivery bond: Provided. That the execution plaintiff shall be at liberty to either direct such second levy, or to prosecute his action for the forfeiture of such bond at his election. This act to be in force from and after its passage.

On the second retain property.

Proviso.

CHAPTER LXXVII. stid W. tradill

Beaton, Decatur, Pulaski, Marshell; Chrion, Spence,

An Act to regulate the practice in suits at law.

of the several laws now in force on that subject [Approved, January 6, 1841.]

Plaintiff may action.

SEC. 1. Be it enacted by the General Assembly of the amend cause of State of Indiana, That in all actions appealed from the judgment of a justice of the peace to a circuit court, said court may permit the plaintiff to file, or add an additional cause or causes of action, without changing the form of action; and said court may also permit the defendant in any such action to file one or more statements of his de-Defendant may fence, where none has been filed, or to file one or more additional statements of defence, where one or more statements of defence have been filed; which permission to such plaintiff or defendant, as the case may be, shall be granted, subject to the same terms, rules, and restrictions, as are provided in the fifth section of an act, approved February 4, 1833, entitled an act to amend an act, entitled

file his defence, or add addition al statements

an act to regulate the practice in suits at law," approved, January 29, 1831.

Sec. 2. All laws, and parts of laws, contravening the provisions of this act, are hereby repealed.

This act to be in force from and after its passage.

the expenses thereof, not exceeding one hum-

CHAPTER LXXVIII.

annually thereafter, before the first day of March in each An Act to amend an act entitled "an act subjecting real and personal estate to execution," approved, February 4, 1831.

stables elected as aforesaid, or any other person as town-

[APPROVED, FEBRUARY 9, 1841.]

Be it enacted by the General Assembly of the State of Remedy for re-Indiana, That whenever, hereafter, the replevin bail, for against princithe stay of execution upon any judgment rendered by any pal debtor. court of record in this state, may have paid off and satisfied such judgment, upon filing his affidavit with the clerk of such court, verifying the fact of such payment, it shall be lawful for such bail to sue out execution on such judgment in the name of the judgment plaintiff, for the use of such bail, against the estate, or against the body of the principal judgment defendant, and, in all things, have such proceedings on such judgment in the same way and manner it would have been lawful for him to do, had such judgment been originally rendered in his favor against said defendant.

This act shall take effect from and after its publication

An Act for the relief of owners of Indian receivations

CHAPTER LXXIX.

An Act entitled an act to amend an act, entitled an act to amend and revise "an act entitled an act to incorporate the several townships in the county of Dearborn, approved February 1, 1834:

[Approved, February 10, 1841.]

Be it enacted by the General Assembly of the State Township trusof Indiana, That the trustees of the several town-townships into ships of the county of Dearborn, shall have power to di-districts. vide their respective townships into as many highway districts as they may deem necessary; which districts

of Indiana, That it shall be lawful for any of the ow-

Furrher duties of trustees.

shall be designated and numbered in numerical order, and recorded by the clerk of the township; the trustees shall superintend, take charge of, and contract all the pecuniary concerns of the township and assess and direct the collection of such township taxes, as may be necessary to defraay the expenses thereof, not exceeding one hundred dollars in any one year, to designate one of the constables elected as aforesaid, or any other person as township collector, direct the manner in which the duplicate shall be made, and the amount thereof as aforesaid, and annually thereafter, before the first day of March in each year, by one publication at least, in some newspaper in general circulation in the county of Dearborn, give a clear expose of the amount of tax assessed the preceding year, and the manner in which the same has been appropriated, and expended; and the trustees shall be, and they are hereby constituted commissioners of all roads and highways in their respective townships, and may appoint viewers to survey, lay out, and open new roads, change and alter old ones, except such as may lead from one county seat to another, or established by legislative authority. The clerk shall be the inspector, and the trustees the judges of all elections held within the township, whether for township, state, or county purposes, and be governed in all things by the law now or that may hereafter be in force regulating elections.

CHAPTER LXXX.

An Act for the relief of owners of Indian reservations.

[APPROVED, FEBRUARY 15, 1841.]

WHEREAS, taxes have been heretofore assessed upon sundry Indian reservations of land in this state, commonly known as "floating reserves," which have been patented by the president of the United States to individuals. and which lands have been returned delinquent in consequence of the prevailing opinion that they were not taxable until five years after the date of the patent, and upon which the penalty and per centage still remains as a lien thereon: Therefore,

Taxes on Indian Be it enacted by the General Assembly of the State reservations. of Indiana, That it shall be lawful for any of the ow-

ners of such reservations, at any time before the first day of December 1841, to pay to the collector of the state tax for the year 1841, the original tax with ten per cent. per annum thereon upon all such lands returned to the school commissioner for any and every year previous to the year 1840, which shall be an acquittal in full for all such taxes, penalty and per centage, which the same stood charged with for said years; and the said collector shall pay over to the state treasurer all such taxes that may be so col-

CHAPTER LXXXI

An Act to enable the treasury to meet the current demands, for the civil list for 1841, growing out of the deficit of 1840.

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State Interest on caof Indiana, That the treasurer of state be, and he is used to meet dehereby authorized, to use the amount of interest arising ficit in civil list. from canal lands up to the first of July, 1841, to be deposited by the fund commissioners to the credit of the treasurer, in compliance with a joint resolution, approved, February 24, 1840, which may be necessary to meet the deficit in the civil list for the current year, amounting to about thirty thousand dollars.

SEC. 2. The treasurer is hereby authorized to nego-Treasurer to ne tiate a loan not exceeding thirty thousand dollars with repayment of inthe state bank, or either of the branches of said bank, terest. upon the best possible terms, on or before the first day of July next, to replace so much of the interest, accruing from canal lands, as may have been used by the treasurer for the purpose aforesaid.

This act to take effect from and after its passage, any law or part of a law to the contrary notwithstanding.

the lenicalling clerk of the house of representatives, be enough

allowed times delicity and fifty, cents per day, for each day

allowned was treed to dr the senate or house to such

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CHAPTER LXXXII.

An Act to make general appropriations for the year 1841.

[APPROVED, FEBRUARY 15, 1841.]

General appropriations for the year 1841:

Be it enacted by the General Assembly of the State of Indiana, That there be appropriated for the expenses of the general assembly, including the pay of members, secretaries, clerks, sergeant-at-arms, door keepers, fuel, together with all other expenses incidental to the present session of the general assembly, thirty seven thousand dollars; printing and distributing the laws and journals, ten thousand dollars; contingent and specific appropriations ten thousand dollars; judiciary, eighteen thousand dollars: probate judges, four thousand dollars; executive officers, six thousand dollars; state library, four hundred dollars; state house, one thousand dollars, and such additional amount not exceeding ninety-five thousand dollars in all, as shall be necessary to meet the ordinary expenses of the year aforesaid.

This act to be in force from and after its passage.

CHAPTER LXXXIII.

An Act making specific appropriations for the year 1841.

[APPROVED, FEBRUARY 15, 1841.]

Allowance to clerks.

SEC. I. Be it enacted by the General Assembly of the State of Indiana, That the principal and assistant secretaries of the senate, and the principal and assistant clerks of the house of representatives, be each allowed the sum of four dollars and fifty cents, for each day they may have served as such, during the present session.

Sec. 2. That the enrolling secretary of the senate, and the enrolling clerk of the house of representatives, be each allowed three dollars and fifty cents per day, for each day that they may have served as such, during the present session: *Provided*, that no allowance shall be made by the state, to any assistant of any regular secretary or clerk, for any services rendered previous to the time that such allowance was agreed to by the senate or house to such secretary or clerk.

SEC. 3. That the heirs of Hugh Barnes, deceased, late sergeant at sergeant at arms of the house of representatives, be allow-arms. ed the sum of one hundred and five dollars, for thirty-five days service as such sergeant at arms, and that John Flint be allowed the sum of three dollars for each day that he may have served as sergeant at arms to the house of representatives during the present session.

Sec. 4. That the door-keepers of the senate, and of the poorkeepers. house of representatives, be each allowed the sum of three dollars for each day they may have served as such during

the present session.

Sec. 5. That the assistant door-keepers of the senate and house of representatives, be each allowed two dollars and fifty cents for each day that they may have served as such during the present session.

Sec. 6. That Mason M. Merriam, sheriff of Noble coun-Mason M. Merty, be allowed the sum of forty-two dollars and fifty cents, riam. for conveying Reuben Chamberlain, a convict sentenced to the state prison, from Noble county to Indianapolis.

Sec. 7. That A. Pope, be allowed the sum of forty dol-A. Pope. lars and seven cents, expenses incurred by him in providing for the burial of Hugh Barnes, deceased, late sergeant at arms of the house of representatives at the present session.

SEC. 8. That Walter March, and Robert B. Hanna, be March & Hanallowed the sum of twenty-eight dollars each, for fourteen na. days service in making a catalogue of books in the state library.

SEC. 9. That N. B. Palmer, late treasurer, be allowed N. B. Palmer the sum of forty-eight dollars; it being the amount of counterfeit money received by him during the last seven years.

SEC. 10. That John F. Richards be allowed the sum of John F. Richfifty dollars, for services rendered in arresting John White, ards. a fugitive from justice; which arrest was made under a commission from the governor.

SEC. 11. That John and Nathaniel Lister, be allowed J. & N. Lister. the sum of fifty-five dollars, for conveying the corpse of the late Hon. George Boon from Indianapolis to his late residence in Sullivan county.

SEC. 12. That Joseph I. Stretcher be allowed the sum J. I. Stretcher. of sixteen dollars, for making coffin, and box for coffin,

for the late Hon. George Boon.

Sec. 13. That William J. Brown be allowed thirty dol-w. J. Brown. lars for ten days service as arbitrator, in the case between the state and Julia A. Wernwag, under the provisions of an act for the relief of said Julia A. Wernwag, passed at the last session of the general assembly, to be paid out of the internal improvement fund not otherwise appropriated.

SEC. 14. That John Cain be allowed the sum of six dol- John Cain,

lars; it being postage charged on communications directed to Samuel Judah, as speaker of the house of representatives.

H. Perry.

SEC. 15. Harry Perry, a man of color, be allowed the sum of thirty dollars, for cleansing the back houses on the back house square for eight weeks; and Sampson Leatherman be allowed five dollars, for similar services for two weeks during the present session.

John Law.

Sec. 16. That John Law be allowed the sum of forty dollars, for prosecuting the pleas of the state at the September term of the Knox circuit court.

John Flint.

SEC. 17. That John Flint, sergeant-at-arms be allowed the sum of fourteen dollars, for expenses incurred in removing the remains of the late Hon. George Boon to his late residence in Sullivan county, and in travelling to Pike county for witnesses for the state, to give evidence before the committee on canals and internal improvements, during the present session.

McPheeters.

SEC. 18. That James A. McPheeters of Washington county, be allowed the sum of twenty-five dollars and thirty-five cents, being the amount paid for storage, and transportation of public arms.

D. S. Majors.

SEC. 19. That D. S. Majors be allowed the sum of twenty-seven dollars, for nine days services as a witness, before the bank committee, at the last session of the Legislature.

F. Volat and M. Shay.

SEC. 20. That Frederic Voiat be allowed one dollar and fifty cents per day, for seventy three days services attending in the hall of the house of representatives, during the present session and that Michael Shay be allowed the sum of one dollar and fifty cents, for seventy-one days services attending in the senate chamber during the present session.

G. W. Murphy.

SEC. 21. That George W. Murphy be allowed the sum of forty-eight dollars, for sixteen days services as a witness, before the committee on canals and internal improvements, during the present session.

W. Stacy.

SEC. 22. That William Stacy be allowed the sum of eighteen dollars, for paper furnished the legislature at the present session.

Anditor

SEC. 23. That the fund commissioners be directed to allow to the auditor of public accounts, such amount for services rendered under the act authorizing the issuing of treasury notes during the last year, as they may think just and reasonable, for services actually rendered payable in treasury notes.

Milton M'Pheetridge. SEC. 24. That Milton M'Pheetridge, agent of the saline fund, in Monroe county, be, and he is hereby, allowed the sum of ten dollars, in full for his services as

such agent, for the year 1840, to be paid out of the saline fund.

SEC. 25. James H. Cravens be allowed one hundred J. H. Cravens and fifty-six dollars; Johnson Watts, one hundred and fortyeight dollars; Joseph S. Jenckes, one hundred and twen-J. S. Jenckes.
ty-four dollars, and Thomas J. Henley, forty-eight dollars, T. J. Henley,
for services as members of the committee appointed to
investigate the affairs of Indiana university, and that
John M. Sluss, sheriff of Monroe county, be allowed the J. M. Sluss.
sum of twenty dollars, for serving process for said committee, to be paid out of the college fund.

Sec. 26. That John Cook, door-keeper of the senate, John Cook. be allowed the sum of twenty-six dollars and forty-four cents, for cash paid by him for sundry articles for the

use of the senate chamber.

SEC. 27. That Andrew Wilson, commissioner for the A. Wilson. sale of saline land in Orange county, be allowed the sum of six dollars, for moneys by him expended as such commissioner, to be paid out of the saline fund.

SEC. 28. That Lucien P. Ferry, and George W. Blake-L.P. Ferry & more, be allowed three dollars per day, each, for six days more. attendance as witnesses, in the case of the attempted impeachment of the Hon. John W. Wright at this session

of the legislature.

Sec. 29. That Samuel Hall be allowed the sum of s. Hall. three dollars and eight cents, for postage paid by him on

letter addressed to him as President of the Senate du-

ring the present general assembly.

Sec. 30. That Henry Woods be allowed twelve dollars H. Woods and for preparing the hall of the house and the senate cham-H. Miller. ber previous to the session of 1839 '40; and that Henry Miller be allowed the sum of twelve dollars, for similar services previous to the present session.

CHAPTER LXXXIV.

An Act to amend an act entitled, "an act regulating grist mills and millers," approved, February 10, 1831.

[APPROVED, JANUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Not compelled State of Indiana, That, hereafter, the owner or occupier to grind for disoff any grist mill in the state of Indiana shall not be compelled to receive or grind corn or grain of any kind, in-

tended to be used or sold, by the person taking or sending the same to such mill, for the purposes of distillation; nor shall it be incumbent on the owner or occupier of any grist mill, to grind in turn, grain of any kind intended to be used or sold for the purposes of distillation.

Repeal.

SEC. 2. That so much of the act entitled "an act regulating grist mills and millers," approved, February tenth, eighteen hundred and thirty-one, as contravenes any of the provisions of this act, be, and the same is hereby repealed.

This act to take effect and be in force from and after

its passage.

CHAPTER LXXXV.

An Act to amend an act entitled "an act relative to crimes and punishments," approved, February 10, 1831.

[APPROVED, FEBRUARY 10, 1841.]

Tippling houses declared public nuisances.

Be it enacted by the General Assembly of the State without license of Indiana, That all tippling houses, or places wherein spirituous or intoxicating liquors are sold without license, and drank in or about the same, if kept in a disorderly manner, shall be, and are hereby declared to be, common and public nuisances; and all and every person or persons, who shall erect, keep, continue or maintain any such nuisance, to the annoyance, disturbance, or injury of all, or any part of the citizens of this state, upon conviction thereof, he, she, or they, shall be fined in any sum not more than one hundred dollars, nor less than twenty-five. This act to be in force from and after its passage.

CHAPTER LXXXVI.

An Act to stop the per diem compensation of members of the general assembly of the state of Indiana, in certain cases therein mentioned.

[APPROVED, DECEMBER 21, 1840.]

Be it enacted by the General Assembly of the State of Per diem, when Indiana, That, hereafter, no member shall receive any

per diem allowance during any recess of the legislature. who may have voted for such recess, if such recess be longer than two days, exclusive of Sundays.

This act to be in force from and after its passage.

CHAPTER LXXXVII.

An Act to provide for the improvement of the Michigan road.

[APPROVED, FEBRUARY 13, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State County board to of Indiana, That the board doing county business, in the divide road into counties through which the Michigan road passes, are districts, and aphereby authorized and required, to divide said road into sorsdistricts, and appoint a supervisor to each district, whose duty it shall be, to call out the inhabitants liable to work on roads, in their respective districts, to work the road at such times, and in such manner, as they may deem best calculated to improve and keep in repair the road; each man to work upon said road, at least two days in each year.

Sec. 2. The supervisors appointed, as contemplated supervisors and in the first section of this act, and the hands liable to hands. work, shall, in all respects be governed by and subject to all the penalties prescribed by an act entitled "an act relating to public roads and highways," approved Februa-

ry 17, 1838.

This act to be in force from and after its passage.

CHAPTER LXXXVIII.

An Act to amend an act entitled, "an act authorizing the appointment of pilots at the falls of the Ohio, in this state, approved February 7, 1825.

[APPROVED, FEBRUARY 8, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Fees for passing State of Indiana, That hereafter, it may be lawful for boats over falls. pilots duly commissioned and authorized, to demand and receive for each flat-bottom boat, ninety feet or over in

Family boats.

length, the sum of five dollars, and all under ninety feet in length, the sum of three dollars: Provided, That family boats and others not exceeding thirty feet in length, the pilot aforesaid shall not be entitled to demand or receive over two dollars, for conducting the same over the falls.

SEC. 2. That nothing in the act to which this is an amendment, shall be so construed as to work a forfeiture of office, in cases where any one of the pilots may be absent on any business: Provided, That such absence

does not exceed ninety days.

Pilots may appeal to circuit court.

SEC. 3. Any of the pilots aforesaid, that may think themselves aggrieved by the decision of the board of commissioners of Clark county, under the provisions of the above recited act, may take an appeal to the circuit court of said county, and from the decision of the judges of said court, there shall be no appeal.

Pilots to be notified of complaints.

Sec. 4. It shall be the duty of any person on entering complaint to the board of commissioners aforesaid, against any one of the pilots, to give such pilot at least ten days notice of the same, before any action can be had thereon, and also to furnish said pilot or pilots, a copy of the charges, if he should demand it.

SEC. 5. The editors of newspapers in this state are respectfully requested to give this act one insertion in

their papers.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXIX.

An Act providing the opening and repairing public roads and highways, in the county of Monroe.

[APPROVED, FEBRUARY 3, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That in the county of Monroe, each and every able bodied male person, of the age of twentyroads in Monroe one years, and under fifty, excepting such persons as county: shall, for good cause shown, be excused by the board doing county business in said county, and such other persons as are exempt by the laws of this state, shall be subject to work on the roads, and highways in the road distriet in which he resides, whenever the supervisor of the district shall consider it necessary.

SEC. 2. And if any person made subject to work roads under this act, having had three days notice of the time and place allotted for working any road or highway in his district, and shall neglect or refuse to attend in person, or by substitute satisfactory to the supervisor, at the time and place appointed within said district, with such tool or instrument as the supervisor may direct, or having attended, shall neglect or refuse to perform his duty according to the direction of the supervisor, or spend his time in idleness and neglect the business assign-Penalty for failed him, shall forfeit and pay the sum of fifty cents for ing to work. each days default, to be recovered by action of debt in the name of the supervisor, before any justice of the peace in the township in which such delinquent resides; which sum the said supervisor shall appropriate and ex-

pend in repairing the road in his district.

SEC. 3. Every person who shall, at the request of the Credit for way supervisor of his road district, furnish a plough or wagon, gon and team, with a pair of horses or oxen, and driver, and with them perform one or more days work, shall for each days work performed, receive a credit for three days work, and so in proportion for services of a similar kind with greater or less force. And be it further enacted, That when a public road or highway shall run through, or border on Owners of planany plantation, and shall become obstructed by the fall-tations through ing of trees or otherwise, it shall be the duty of the owner to remove obof such plantation, to remove such obstruction, so soon structions. as the same shall come to his knowledge, for which the supervisor of such road shall give him a reasonable compensation by a credit on his liability to work on roads.

SEC. 4. The board doing county business in said coun-County board ty shall, at the next May term of said board and an-shall appoint supervisors. nually thereafter, appoint a suitable number of supervisors, and assign to each his district of road, together with the number of hands allotted him; and to each supervisor so appointed, the clerk of said board shall issue clerk of board a certificate of his appointment, setting forth the bounda-shall give certi. ries of his district, and the number of hands allotted, and ficate of applace the same in the hands of the sheriff of said county, within ten days after such appointment. It is also made the duty of such sheriff, to forward or cause to be forwarded such certificates of appointment to the several supervisors respectively, within twenty days after they shall come to his hands.

SEC. 5. It shall be the duty of the several supervisors supervisors appointed under this act, to serve as such for one year, shall serve for or until the succeeding May term of the board doing coun-one year. ty business, at which term they are required severally to report, or cause to be reported, to the said board, a full

port to county

Shall make re. and complete list of all the hands at the time living in their respective districts, who are liable to work roads; and in all cases when a supervisor shall fail to make a report, as required by this section, at the proper term of the board, said board shall, in the absence of other instructions, continue such delinquent supervisor by appointment another year.

Penalty for su-

Sec. 6. In all cases where the supervisor shall wilfulpervisors failing ly fail or neglect to keep his said road in good repair, or perform their to faithfully appropriate moneys collected or received for the use of his road, or in any manner to comply with the duties required of him by this act, he shall forfeit and pay a sum not exceeding twenty dollars, to be recovered by presentment or indictment in the circuit court of said county.

Board shall apas may be recommended by the people.

SEC. 7. In all cases hereafter, when any person or point such persons shall be recommended, by the persons subject to work on roads and highways of any district in said county, for the appointment of supervisor for the year next succeeding, it shall be the duty of the board, to appoint the person as such supervisor, who may be recommended by the greater number of hands in the proper district.

Written notice to hands suffi-

Sec. 8. In cases where the supervisor has not an opportunity of giving a personal notice of the time and place appointed for work, a written notice of such appointment, left at the dwelling house, or usual place of residence of the party, shall be deemed sufficient.

to discharge their duty.

Penalty on clerk SEC. 9. If the clerk or sheriff of said county shall fail or sheriff failing or refuse to comply with the provisions of the fourth section of this act, shall be fined in any sum not exceeding ten dollars for each neglect or refusal, by presentment or indictment in the circuit court of said county.

Repealing clause.

SEC. 10. So much of the laws now in force relative to opening and repairing public roads and highways as contravene the provisions of this act, be, and the same are hereby repealed, so far as relates to the county of Mon-

This act to be in force from and after its passage. blace the same in the hands of the sherist of said county

within ten days aftergroup appointment. It is also made

approxisors respectively, within twenty days after they

w business, at which term they are required severally-to report, or cause to be reported to the said board, a full

Sec. 5. It whall be the duty of the several supervisors supervisors

or until the succeeding Mar town of the board depter coun fore rear

versus at all the cure state at the barries to the contract time and CHAPTER XC.

An Act to amend an act entitled an act concerning enclosures, and trespassing animals, approved Feb. 17, 1838.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Fence viewers State of Indiana, That hereafter, all fence viewers that shall take oath. may be elected or appointed, shall, before they enter upon the discharge of any of the duties required of them by the act to which this is an amendment, take an oath, faithfully and impartially to discharge the duties of said office; which oath may be made before any person au-oath to be en. thorized to administer oaths, and the oath shall be en-dorsed on back dorsed on the back of said fence viewer's certificate of of certificate. election or appointment.

SEC. 2. The said fence viewers, each, shall be allowed compensation. the sum of one dollar per day, for every day they may be necessarily employed in the discharge of the duties of their office, which shall be taxed up as other costs, and

reasont describ any property santoredaid venturage been posted within

collected accordingly.

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SEC. 3. That all fields kept for cultivation, the fences What considerinclosing which shall, in the opinion of the fence viewers, ed lawful fence. be of sufficient height and strength, and in every respect such as good husbandmen generally keep, shall be considered a lawful fence against all domestic animals, any law heretofore in force to the contrary notwithstanding.

This act to be in force from and after its passage.

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because the entract tentent the the risk of the circuit CHAPTER XCI.

An Act regulating the taking of animals going astray and water craft, and other articles of value adrift.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Taker up shall State of Indiana, That any person or persons who shall advertise. take up any estray horse, mule, ass, sheep, hog, or goat, or any boat, flat, periogue, canoe, raft, or other article of value adrift, shall within five days after taking the same in possession, advertise the same in writing in three of the most public places in the township where such

property is taken up, stating the time of taking up, and giving a particular description thereof.

Shall report to justice within fifteen days.

Justice's duty.

Appraisers'

Further duty of taker up.

Justice shall tion, &c. to

Clerk shall record them.

clerk.

Clerk shall transmit to state printer description &c.

SEC. 2. It shall be the duty of the taker up, within fifteen days from the time of taking up any estray animal or property adrift, (unless the same shall have been previously claimed and proven by the proper owner,) to report the same to some disinterested justice of the peace in the township, who shall issue his warrant to three disinterested householders of the neighborhood, (unless they can be otherwise procured) directing any two of them to appraise such property, whose duty it shall be to appraise the same, and make report in writing, to such justice, clearly describing the property, and their valuation thereof; and shall under oath, declare that said appraisement and description were made without partiality, favor, or affection. And the taker up shall at the time of making the report, state upon oath or affirmation, before such justice, that the marks, brands, or appearance of such property have not been altered by such taker up, or by any other person to his or her knowledge since the same became estray or adrift, other than shall have been set forth in the report thereof, and shall be made in writing.

SEC. 3. It shall be the duty of the taker up of any estray horse, mule, or ass, above the age of two years, to take the same to the pound of the proper county, (if there be one provided,) and keep the same therein from eleven o'clock, A. M. until three o'clock, P. M., of the first day of each of the two succeeding terms of the circuit court, after the taking up of such estray, unless the same has been previously claimed and proven by the proper owner thereof.

SEC. 4. It shall be the duty of the justice before whom transmit descrip- any property as aforesaid shall have been posted, within five days thereafter, to transmit to the clerk of the circuit court a copy of the description and valuation thereof, together with the proper fee as hereinafter provided for. Said clerk shall immediately enter such description and

> appraisement in a book to be kept for that purpose. Sec. 5. Any property taken up under the provisions of this act, except water crafts and other articles of value adrift, the appraised value of which exceeds ten dollars, shall be advertised in some newspaper published at the seat of government, (and the one published by the state printer, if there be one by him or them published.)

> Sec. 6. It shall be the duty of the clerk of the circuit court in each county in this state, to make out, at the commencement of every month, a correct copy of the description and appraisement of each estray of a greater value than twelve dollars that may have been entered in his

book of estrays, in the month next preceding, and transmit the same to the state printer to the senate, marking thereon, estray papers, together with the sum of one dollar to pay the printer for publication of the same, and for other purposes.

SEC. 7. It shall be the duty of said state printer, on the state printer receipt of such estray papers, to pay the postage thereon shall publish a out of the money received therewith, and he shall keep a same. regular file of all such estray papers by him so received, and within twenty days after the time prescribed for the said clerks to make their returns, he shall publish in a newspaper, a copy of all such estray papers as may have been by him received, and not previously published, and transmit one copy of such publication free of charge to the clerk of the circuit court in each county in this state, to be Further duty of filed and kept on file by said clerk in his office for at least printer. two years, for the examination of any person who may desire it.

SEC. S. Any property adrift, the appraised value of Property adrift. which exceeds ten dollars, shall be advertised in some value. newspaper in the county, if there be one, and if not, then in the nearest paper thereto; and it shall be the duty of the clerk of the circuit court to furnish and forward to the printer a copy of the register thereof, together with the fee for publishing the same.

SEC. 9. Any property adrift, taken up under the pro-when property visions of this act, the appraised value of which does not shall vest in taexceed ten dollars, and is not claimed and proven by the ker up. proper owner within ninety days after the taking up thereof; and any animal estray, the appraised value of which does not exceed fifteen dollars, not claimed and proven by the proper owner within twelve months after taking up, shall vest absolutely in the taker up.

SEC. 10. Any property taken up adrift, the appraised Property adrift value of which exceeds ten dollars, not claimed and pro- over ten dollars ven by the proper owner within ninety days after taking imals exceeding up; or animals estray other than horses, mules, or asses, fifteen dollars in the appraised value of which are and fifteen dollars in the appraised value of which are and fifteen dollars in the appraised value of which are and fifteen dollars in the appraised value of which are an area. the appraised value of which exceeds fifteen dollars, not &c. claimed within and proven within six months after taking up, shall be reported by the taker up to some justice of the peace of the proper township within five days after the expiration of time specified herein; and such justice shall issue his warrant to some disinterested constable, to dispose of the same at public sale, giving ten days notice in writing, of the time and place of sale, describing the property to be sold; and such constable shall, within five days after such sale, return said order, together with the pro-Proceeds of sale, ceeds of sale, to said justice, retaining one dollar for his how appropriaservices thereon; said justice shall immediately pay over

to the county treasurer, the proceeds of sale, after deducting the proper amount to be paid to the taker up as provided in this act, and fifty cents for his own fee, and shall take the treasurer's receipt, to be filed in the office of the clerk of the circuit court.

Animals over within a year, to be delivered to sheriff.

SEC. 11. Any horse, mule, or ass, taken up under the value unclaimed provisions of this act, the appraised value of which exceeds fifteen dollars, and remains unclaimed and proven at the expiration of twelve months from the time of taking up, shall be, by the taker up, delivered up to the sheriff of the proper county, on the first day of the next term of the circuit court, after the expiration of such time, which shall be, by said sheriff, sold at public sale, who on such delivery. shall, after retaining one dollar for his services, and paying to the taker up his proper charges, as provided in this act, pay the residue of the proceeds of such sale to the treasurer of the county within five days thereafter, taking the treasurer's receipt, and filing the same in the clerk's office.

Money received dited.

SEC. 12. All sums paid to the county treasurer under by county trea. the provisions of this act shall be, by such treasurer, entered to the credit of the county under the head of estray

Reward to taker up of animals.

SEC. 13. The taker up of animals estray, or property of value adrift, shall be entitled, as a reward for taking up, for each horse, mule, or ass, one dollar; each head of neat cattle, fifty cents; each sheep, goat, or hog above six months old, ten cents: Provided, Where the owner reclaims and proves his property before the same is posted, the taker up shall only be allowed one-half of the above Taker up of pro- reward. The taker up of property adrift shall be allowed a reasonable sum, to be determined by some disinterested justice of the peace of the proper township: Provided, however. That either the claimant of any property taken up adrift, or the taker up thereof, may, if they require it, have a jury of six disinterested householders, to determine what amount shall be just and reasonable for taking up and taking care of such property. The justice, constable, and jury shall be allowed the same fees allowed

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Fees to justice of the peace.

in other cases.

SEC. 14. The taker up of any property shall pay to the justice at the time of posting, the following fees: Where printing is required, two dollars; fifty cents thereof for the justice, fifty cents for the clerk, and one dollar for the printer; where no printing is required, the aforesaid fee to the justice and clerk shall be paid: Provided, That where the property taken up shall not exceed three dollars in value, the justice shall make no return to the clerk, and his fee shall be twenty-five cents only. The

clerk shall keep a register of estrays, and shall allow any Clerk shall keep person who may desire it, the privilege to examine said register of es. record without fee. And where two or more estrays of the same species, or several articles adrift are taken up by the same person at the same time, they shall be included in one entry, and one advertisement, and the fees of the justice and clerk shall be the same as for one such species only.

SEC. 15. Where property is sold under the provisions Taker up how of this act, the taker up shall be allowed reasonable rewarded when charges for keeping the same, together with the fees paid property is sold. at the time of posting, and the legal charge for taking up; which charge shall be ascertained and allowed by some disinterested justice, who shall hear testimony; and in all cases where the property is used by the taker up or other person by his permission, the taker up shall keep a correct account of the time such estray is used, and shall make oath thereto, before the justice, and said justice shall deduct such sum as may be reasonable for the usethereof, from the proper charge for keeping the same.

SEC. 16. The owner shall, at any time within two owner may re. years after the taking up of any animal where the same property within has been sold and the money paid into the county treasury, two years after shall be entitled to receive the same on proper proof before taken up. said treasurer, and after the expiration of two years from After two years the time of taking up, the fund so paid to the treasurer, shall vest in

shall be absolutely vested in said county.

SEC. 17. No person shall be authorized to take into Animals shall custody any horse or stock, except at his or her place of not be taken up residence, or to drive any stock out of the woods and take up the same; nor shall any animal be taken up between the first day of April and the first day of November, Nor between the unless the same be found in the enclosure of the taker first day of April up: Provided, That when any animal may be in the act of escaping from the owner, or those entitled to the possession of thesame, such animal may be taken up at any time where the same may be found.

SEC. 18. The taken up of any animal or other pro-Taker up shall perty shall not remove or suffer such property to be ta-not remove proken out of the county where taken up at any time for county, more than the space of three days until the right of property shall absolutely vest in such taker up, and shall be liable to the action of the owner for abuse or injury done such property, and shall also be liable to indictment Shall be liable for a violation of this act, and subject to be fined in any for abuse, &c. sum not exceeding double the value of the property so taken up.

SEC. 19. That when any person or persons shall take Fat hogs how up any fat hog or hogs under the provisions of this act, proceeded with,

the taker up may kill the same, at any time after the expiration of one month after posting, without keeping the same one year as provided in this act; and the said taker up shall forthwith, after killing said estray or estrays, pay the amount of the appraisement to the county treasurer, for the use of the owner or owners, after deducting the costs and charges of taking up, keeping, and killing said estray or estrays, which shall be liquidated as in other cases; or said taker up may, if he elect to do so, report said estray or estrays within ten days after the expiration of one month as aforesaid, to some disinterested justice of the peace of his township, who shall proceed in all respects, as directed in the eleventh section of this act; and any person or persons taking up any stock hogs may, if they elect to do so, pay the amount of the appraisement to the county treasurer at the expiration of six months after posting the same, and upon such payment, the same shall be absolutely vested in such taker up; and such taker up shall in such case only be allowed his costs and reward, and shall not be allowed any thing for his expenses of keeping.

discharge duty liable to indictment, &c.

Officer failing to SEC. 20. Any officer who may fail to discharge any of the duties incumbent on him by the provisions of this act, shall be liable to indictment in any court having competent jurisdiction, and shall be subject to a fine not less than five dollars nor more than one hundred dollars.

SEC. 21. All acts heretofore passed relative to taking up animals estray, or water craft, or other articles of value adrift, are hereby repealed.

This act to be in force from and after its publication.

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un Pranided, That when any animal may be in the act

An Act to distribute the school funds and for other purposes, in Perto the gray at at or gragory form ry county. of other ken out- of the county where taken up at any time for county.

APPROVED, JANUARY 19, 1841.] shad obsolutely yest in such taker up, and shall

SEC. 1. Be it enacted by the General Assembly of the State Duty of assessor of Indiana, That hereafter, it shall be the duty of the asof Perry county. sessor of the state and county revenue in and for the county of Perry, in addition to the duties that are now, or may hereafter be required of him, to make out a correct list of all the children between the ages of five years and twenty-one years in each congressional township,

tween the first day of April and the first day of November, verterween the the some be found in the enclosure of the taker first day of April

and fractional part thereof, in said county, separately, which list he shall on or before the first Monday in May in each year deliver to the school commissioner of said county.

SEC. 2. It is hereby made the duty of the school com-Duty of school missioner of said county to file said list in his office, which commissioner. shall be a basis by which he shall hereafter divide all the moneys that are now, or may hereafter come into his hands as a fund for the support of common schools in said county, among the different congressional townships and fractional parts thereof, in said county, under the provi-

sions of the law in such case made and provided. SEC. 3. That the school commissioner of said county shall apply for and collect from the proper officer, the five per centum on real and personal property, and the twelve and one-half cents on each poll collected and set apart for school purposes by virtue of an act entitled "an act to provide for an equitable mode of levying the taxes in this state, approved February eighth, eighteen hundred and thirty-six," and divide the same in the same manner as is provided for in the preceding sections of this act.

This act to be in force from and after its page.

CHAPTER XCIII.

An Act to repeal certain acts therein named, so far as they relate to the county of Carroll.

[Approved, January 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the act entitled an act providing Repeat. for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838, and an act amendatory thereto, approved February 24, 1840, be, and the same are hereby repealed, so far as the provisions of the same extend to the county of Carroll.

SEC. 2. That all moneys remaining in the hands of Moneys collects any of the township treasurers in said county, which may ed, how paid have been collected as tax under the law which is hereby over and appropriate the law which is hereby plied. repealed, shall be paid over to the county treasurer in said county, to be appropriated by the board doing county business, for the use of the township from which the same may have been collected.

Duty of township clerks.

Sec. 3. That the clerks of the several townships in said county, shall hand over to the clerk of the board doing county business on or before the first Monday in May, 1841, all books and papers belonging to their office, to be kept for the use of the board doing county business.

SEC. 4. This act shall take effect and be in force from and after a certified copy thereof, shall be filed in the office

of the clerk of the said county of Carroll.

CHAPTER XCIV.

An Act legalizing the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes.

[APPROVED, JANUARY 25, 1841.]

WHEREAS, It has been represented to the general assembly, that William G. Thomas, school commissioner of Spencer county, under a misapprehension of the law has paid over to the treasurer of the congressional townships in said county, the interest arising from the surplus revenue, instead of loaning the same as it came into his hands, to the citizens of the said townships: Therefore

Acts of W. G. Thomas legali-

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That all the acts and proceedings of the said William G. Thomas, in the premises, be, and the same are hereby legalized and confirmed, and rendered of the same force and effect to all intents and purposes, as if the same had been done by authority of law.

Shall distribute townships.

SEC. 2. Be it further enacted, That hereafter the interest among school commissioner of said county of Spencer shall distribute the interest arising from the surplus revenue in said county to the respective congressional townships as it is received, to be set apart to the said townships semiannually on the first Mondays of March and September in each year, according to the number of taxable polls in each, and to be paid over to the respective township treasurers or their order immediately thereafter; Provided, however, That if any of said townships shall fail to apply for its proportion of said interest within eight months after it may be entitled to demand and receive the same, it shall be the duty of the school commissioner to loan such interest to any resident of said township who may apply 179

for the same, on the same terms and conditions as are required by the several acts directing and authorizing the loaning of the surplus revenue appropriated to the several counties in this state, and the interest arising from such interest loaned as aforesaid, shall be set apart and paid over to the proper township on demand, as other moneys are paid over, for the use of common schools therein.

CHAPTER XCV.

An Act to fix the time of holding probate courts in Fayette. county.

[APPROVED, JANUARY 20, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That hereafter, the probate court of Fayette Probate court in county shall hold but three terms in each year, which Fayette county, terms shall be at the times following, to-wit: The first when held, &c. term shall be holden on the fourth Monday in February; the second term shall be holden on the fourth Monday in July; and the third term shall be holden on the third Monday in November, in each year. Said court shall sit at each term so long as the business may require.

This act to take effect and be in force from and after

its passage.

CHAPTER XCVI.

An Act to provide for a more uniform mode of doing township business in the county of Elkhart.

[APPROVED, DECEMBER 30, 1840.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the provisions of an act entitled an act Provisions of to provide for a more uniform mode of doing township act extended to business in the several counties therein named, approved Elkhart. February 17th, 1838, be, and the same are hereby extended to the county of Elkhart.

Proviso.

Duty of clerks.

SEC. 2. Be it further enacted, That the clerks of the several townships in the county of Elkhart shall be required to record all marks and brands of their respective townships, in a book to be kept for that purpose, upon the payment of twelve and one-half cents for each record.

This act to take effect and be in force from and after its passage.

CHAPTER XCVII.

An Act to repeal an act, entitled "an act to provide for a more uniform mode of doing township business in the county of Randolph, approved January 21, 1839.

[APPROVED, DECEMBER 24, 1840.]

Repeal.

Be it enacted by the General Assembly of the State of Indiana, That an act entitled "an act to provide for a more uniform mode of doing township business in the county of Randolph, approved, January 21, 1839," be, and the same is hereby repealed.

This act to be in force from and after its passage.

CHAPTER XCVIII.

An Act to provide for the assessment and collection of the state revenue in the county of Spencer, due for the year 1837; and also to provide for the assessment and collection of the state revenue in the county of Cass, due for the year 1839.

[APPROVED, FEBRUARY 15, 1841.]

County board of required to assess tax for

Sec 1. Be it enacted by the General Assembly of the Spencer county State of Indiana, That the board doing county business for the county of Spencer, are hereby required, and it is made their duty, to assess a tax upon all the property which was taxable in that county for the year 1837, which in the aggregate, shall amount to the sum of four hundred and ninety-one dollars, and forty-eight cents (391 48;) and the board doing county business in the county of Cass, are hereby required, and it is made their duty, to assess a tax upon all the property taxable in that County board of county, in the year 1839, which in the aggregate, shall assess a tax for amount to the sum of nine-hundred and thirty-seven dol- 1839. lars, and seven cents, (937.07).

SEC. 2. It shall be the duty of the collectors of the Collectors to colsaid counties of Spencer and Cass, for the year 1841, re-lect said tax. spectively to collect the tax assessed as aforesaid, and pay the same into the state treasury, on the fourth Monday of January next, in the same manner other state taxes are collected and paid.

SEC. 3. Should the persons doing county business in Penalty for nethe county of Spencer, or the county of Cass, or the col-required by this lector of either of said counties, neglect or refuse to per-act. form the duties required by this act, such person shall be subject to a fine of not less than two hundred dollars, nor more than five hundred dollars, to be recovered by presentment or indictment in any court of competent jurisdiction thereof.

This act to take effect and be in force from and after its passage.

CHAPTER XCIX.

An Act to repeal an act entitled "an act to repeal a certain act in Dearborn county, therein named," approved February 5, 1839.

[APPROVED, FEBRUARY 15, 1841.]

Be it enacted by the General Assembly of the State of Indiana, That so much of the above recited act, as prohibits the county commissioners of Dearborn county. from levying taxes for bridge purposes, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

property, it shall be lawful to bring the action in the

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CHAPTER C.

An Act to authorize the board of commissioners, and the probate judge of Jackson county to hold the sessions of their respective courts in the clerk's office of said county.

[APPROVED, DECEMBER 30, 1840.]

Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners, and the probate judge of Jackson county, are hereby authorized, when in their opinion it would conduce to the public convenience, to hold the sessions of their respective courts in the clerk's office of said county.

CHAPTER CI.

An Act regulating the jurisdiction of the justices of the peace in Fountain county.

[APPROVED, DECEMBER 30, 1840.]

Sec. 1. Be it enacted by the General Assembly of the

brought, shall issue process against such debtors, directed

to any constable in his township; which process, such

constable shall be authorized to serve and return, and

the defendants shall be compelled to answer thereto, and

all such other proceedings shall be had thereon, as if all the defendants resided in the township where such action was commenced. 3d. In cases of trespass on personal property, it shall be lawful to bring the action in the

State of Indiana, That no person shall be bound to an-

swer any summons or capias ad respondendum issued by any justice of the peace in the county of Fountain, in any civil suit, in any township other than the one in which such defendant actually resides, except as follows to-wit: 1st, where there shall be no justice in such township who can legally issue such summons; 2d. where two or more persons shall be jointly, or jointly and severally bound in any contract, or liable for any injury, and shall reside in different townships in the same county, it shall be lawful for the plaintiff to commence his or her action, before a justice of the peace of that township in which any one of the debtors or other persons liable may reside, and the justice before whom such action may be

How held to an-

swer &c.

township where the trespass was committed. 4th. It shall be lawful for any justice in the aforesaid county, to receive as bail or recognizance, or as security in stay of execution, any person or persons who shall be citizens of the county where such obligations may be required, under the same rules and regulations now in force in such cases, and such bail, recognizance or security, shall be made to answer, and shall be proceeded against in the same manner as if they resided in the township where such obligation or obligations was or were contracted. 5th. And if any plaintiff, his, her, or their agent or attorney shall make affidavit, that he, she, or they are in danger of losing his, her, or their debt or demand, unless such defendant is arrested; in which case the jurisdiction

of justices shall be co-extensive with the county.

Sec. 2. If the person or persons charged or to be Notes, &c. surcharged in or by any note, bond or account, or other ble according to contract, shall stipulate in writing, that the same shall be suable, or collectable in any particular township in said county before mentioned, suit may be brought thereon before any justice of the peace of such township in which such note, bond or account, or written contract, shall be made payable, and said justice shall have the same power and jurisdiction in the case as if the defendant or defendants resided in his township.

Sec. 3. This act to be in force from and after its publication.

CHAPTER CII.

An Act to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, Dekalb, and Noble.

[APPROVED, DECEMBER 30, 1840.]

Be it enacted by the General Assembly of the State of Provisions of Indiana, That the provisions of an act entitled an act act, extended to provide for a more uniform mode of doing township business in the several counties therein named, approved, February seventeen, eighteen hundred and thirty-eight, be, and the same are hereby extended to the counties of Lagrange, Steuben, Dekalb, and Noble.

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This act to be in force from and after its passage.

where the Bespass was committed. CHAPTER CIII.

An Act to authorize the commissioners of Dubois county to levy a tax ad valorem, for certain purposes therein named.

[Approved, January 5, 1841.]

County commiscounty may levy tax.

Be it enacted by the General Assembly of the State of Indisioner of Dubois ana, That the commissioners of Dubois county may, at their discretion, at any time within two years from and after the passage of this act, proceed to levy a tax annually upon the citizens of said county, as may seem just and right, for the special purpose of erecting a court house, and a fire-proof clerk's office for the use of said county.

This act to take effect and be in force from and after its passage.

CHAPTER CIV.

An Act to amend an act relative to crime and punishment, approved February 10, 1831.

[APPROVED, FEBRUARY 8, 1841.]

Minors, how punished.

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That in all cases whenever, any minor may be found guilty of any offence, the punishment of which is confinement in the state prison, it shall and may be lawful, and it is hereby left to the sound discretion of the jury trying the case, to substitute, instead of such confinement, imprisonment in the jail of the proper county, for any determinate period, according to the circumstances of the case.

Disfranchisement.

SEC. 2. That no judgment of disfranchisement shall be entered against any person, not entitled to exercise the elective franchise, under the constitution and laws of this state, unless the entry of such judgment may be deemed proper by the court.

Malicious tres-

Sec. 3. That in all cases whenever any person may be found guilty of a malicious trespass, it shall and may be lawful, and it is hereby left to the sound discretion of the court or jury trying the case, to assess the fine either with or without imprisonment, according to the circumstances of the case.

Sec. 4. That in all cases whenever any person may

be found guilty of perjury, it shall and may be lawful, and it is hereby left to the sound discretion of the court or jury trying the case, to substitute, instead of confinement in the state prison, confinement in the jail of the proper county for any determinate period according to requisites in inthe circumstances of the case; and in cases of perjury it dictments. shall only be necessary to set forth in the indictment the names of the parties to the suit in which the perjury is alleged to have been committed; in what court the party charged was sworn, and by whom, averring such court or officer to have competent authority, the statements sworn to, together with the proper averments to falsify the matters whereof the perjury or perjuries charged therein may be assigned, without setting forth the bill, answer, information, indictment, or any part of the record or proceedings either in law or equity, and without setting forth the commission or authority of the court or officer before whom the perjury may be alleged to have been committed.

SEC. 5. That whenever any officer known to the con-Breach of offistitution or laws of this state, from whom an oath and cial bond, how bond of office are required, may be knowingly guilty of punished. any act or omission which shall amount to a breach of his official bond, he shall be deemed guilty of malfeasance in office, and upon conviction thereof, he shall be fined in any sum not less than ten, nor more than fifty dollars; and whenever any such officer may be guilty as aforesaid, with intent to defraud or injure any person or persons, body corporate or politic, he shall be deemed guilty as aforesaid, and upon conviction thereof shall be fined in any sum not exceeding one thousand dollars, and imprisoned in the jail of the proper county for any determinate period; or fined as last aforesaid, and imprisoned at hard labor in the state prison, for any term of time not less than one, nor more than fourteen years, according to the circumstances of the case and the sound discretion of the court or jury trying the same.

Sec. 6. That every person who shall live in open and Adultery or fornotorious adultery or fornication, shall, upon conviction nicition, how thereof, be fined in any sum not exceeding three hundred punished. dollars. So much of the fifty-ninth section of an act entitled, "an act relative to crime and punishment, approved February 10, 1831," as comes within the purview of this section of this act, be, and the same is hereby repealed: Provided, That this section of this act shall not have Provise, any effect upon crimes committed and punishable by said fifty-ninth section of said act of February 10, 1831, unless the defendant be a female, and she should elect to be punished under this act.

Perjury, how punished.

Horse racing on punished.

Sec. 7. That any person who shall knowingly suffer highways, how his horse, mare, or gelding to be run in what is commonly called a "horse-race," along any public highway in this state; and any person who shall act as rider for any such race so as aforesaid run, on being duly convicted thereof on presentment or indictment, shall be fined in any sum not less than five, nor more than fifty dollars.

SEC. S. That the thirty-sixth section of the act to which this is an amendment, be, and the same is hereby amended, by inserting after the words "corpse of such deceased person," these additional words, "or any part

thereof."

Duty of clerk

Sec. 9. That whenever any process in any criminal basuing process case, shall be sent by mail to any foreign county, it shall be the duty of the clerk issuing such process, to pay the postage on the same, taxing such postage as a part of his costs; and in case the costs cannot be collected, said clerk shall be allowed the amount of said postage by his county.

> Sec. 10. That all acts and parts of acts now in force, which in any wise contravene the provisions of this act,

be, and the same are hereby repealed.

CHAPTER CIV.

d upon conviction thereof, he shall be fined

An Act to repeal so much of an act approved February 24, 1840, as relates to the county of Union.

[APPROVED, DECEMBER 30, 1840.]

Repeal.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of an act entitled an act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, approved, February 24, 1840, as relates to the county of Union, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its pas-

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sage.

CHAPTER CV.

An Act to provide for the mode of doing township business in Miami county.

[APPROVED, DECEMBER 24, 1840.]

SEC. 1. Be it enacted by the General Assembly of the State Provisions of of Indiana, That the provisions of an act entitled an act certain act exproviding for a more uniform mode of doing township county. business, in the several counties therein named, approved February 17, 1838, be, and the same are hereby extended to the county of Miami.

SEC. 2. The several townships in said county of Mia-Townships tami shall be organized, and made bodies corporate and corporated. politic, according to the provisions of said act, and shall in all respects transact and perform all their business in the manner pointed out and specified in said act.

CHAPTER CVI.

An Act in relation to the jurisdiction of justices of the peace in Posey county.

[APPROVED, FEBRUARY 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State Defendants, how of Indiana, That hereafter, no person in the county of held to answer. Posey shall be bound to answer any summons or capias ad respondendum by any justice of the peace in any civil suit in any other township except the one in which such defendant may actually reside, except where there shall be no justice of the peace in such township, who can legally issue such summons, and for the several other reasons enumerated in the one hundred and third section of an act entitled, an act regulating the jurisdiction and duties of justices of the peace, approved, February 17, 1838.

This act to be in force from and after its passage.

CHAPTER CVII.

An Act to extend the provisions of certain acts therein named, to the county of Grant.

[Approved, January 2, 1841.]

Provisions of act extended to Grant county.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the provisions of an act entitled, "an act providing for a more uniform mode of doing township business in the several counties therein named, approved, February 17, 1838, and an act amendatory thereto, approved, February 17, 1840 be, and the same are hereby extended to the county of Grant.

Duty of township trustees. SEC. 2. It shall be the duty of the township trustees of the several townships in said county of Grant annually, before the first Monday in May, to make a levy on all property subject to taxation for state purposes, such a per cent. as they may deem necessary, not to exceed one-fourth of one per cent. for township purposes, and certify the same to the board doing county business in said county, on or before the first Monday in May annually.

Duty of Clerk.

SEC. 3. It shall be the duty of the clerk of the circuit court, in making out the county duplicate each year, to place in a separate column for that purpose, the amount of such tax so levied and certified for township purposes; which shall be collected by the collector of the state and county revenue, at the same time, and in the same manner that the state and county revenue is collected. The collector shall be authorized to retain for his services, the same compensation that now is or may hereafter be allowed by law for collecting the county revenue.

Duty of collec.

SEC. 4. It shall be the duty of said collector to pay over to the several township treasurers in said county, the amount of revenue so assessed and levied, on or before the first Monday in March annually, and in case of his failure to pay the same, or any part thereof, suit may be brought against him, or against him and securities, on the relation of the township treasurer, in the same manner as is now allowed by law in cases of failure to pay over the county revenue.

Repeal.

Sec. 5. So much of said recited acts as contravenes any of the provisions of this act are, so far as relates to the county of Grant, hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER CVIII.

An Act to change the time of holding probate courts in Daviess county.

[APPROVED, FEBRUARY 3, 1841.]

Be it enacted by the General Assembly of the State of Probate court, Indiana, That the time of holding probate courts in Da-when held. viess county be changed, so that there shall be no term of said court held in the month of May annually, but in lieu thereof, there shall be held a term of said court annually, commencing on the first Monday in June and continue for six successive days, if the business shall require it; and the time of holding the November term of said court, shall be so changed as to commence on the last Monday in November annually, and continue for six successive days, if the business require it.

This act to be in force from and after its publication.

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An Act to authorize the removal of the obstructions to the free passage of the water down Mud creek and the Mill fork of Eel river, in Morgan county.

[Approved, February 10, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Parts of Mud State of Indiana, That Mud creek from state road lead-creek and Eel ing from Mooresville to Greencastle down to its mouth, highways. and the Mill fork of Eel river, commencing at the north side of Morgan county, thence down said stream to the south side of section number seventeen, in township thirteen north, of range number two west, be, and the same are hereby declared public highways, for the purpose of enabling the inhabitants to remove all obstructions from said streams that may have a deleterious effect upon the health of the citizens living in the vicinity of said streams: Provided, that nothing in this act shall be so construed as Proviso. to authorize the removal of any mill dam now built, or that may hereafter be built across said streams.

Sec. 2. That all persons made liable to work on roads Who liable to and highways living within one mile of said streams, be, streams, and they are hereby made liable, and it is hereby made

Supervisors.

their duty to work two days in each year; and that Jonathan Smith and William Alexander, be, and they are hereby appointed supervisors of said streams for one year from and after the first day of April next; after which time, it is hereby made the duty of supervisors of roads, living in the above described bounds, to superintend the same.

Duty of super. visors.

ing to work.

Sec. 3. That it shall be the duty of each supervisor appointed or elected under the provisions of this act, after having taken an oath or affirmation faithfully to discharge the duties assigned them, to call on all persons living within the limits of their respective districts, to perform the work required in this act; and if any person shall fail or refuse to perform such labor, he having received three Penalty for fail-days previous notice thereof from the proper supervisor in person, or by any person by whom he can prove the same, or by a written notice left at the usual place of residence of such person, shall forfeit and pay the sum of seventy-five cents for each day he may so neglect or refuse to labor; to be recovered before any justice of the peace of the proper township having jurisdiction thereof, in the same manner, and subject to the same regulations as are now prescribed for the collection of fines for failing or refusing to work on public roads and highways; and when collected, shall be appropriated by said supervisor,

Fines, how appropriated.

Supervisors, how governed.

Sec. 4. The supervisors, whether appointed or elected under the provisions of this act, shall be subject to the same restrictions, penalties, and liabilities, and shall be governed in all respects by the road law now in force, approved, February 17, 1838.

This act to take effect and be in force from and after

its passage.

to improving said streams.

CHAPTER CX.

An Act to authorize the collection of the state and county revenue for the year 1839 for the county of Dubois.

[APPROVED, DECEMBER 21, 1840.]

WHEREAS. It has been represented to this general assembly, that the public records of the county of Dubois were destroyed by fire, by means of which the state and county revenue for the year 1839, of said county have not been collected: Therefore.

SEC. 1. Be it enacted by the General Assembly of the State Duty of assessor of Indiana, That for the purpose of securing to the state of Dubois counof Indiana, and the said county of Dubois, the revenue ty. due upon the taxable property and polls of said county for the year 1839, that in addition to the duties required of the assessor of said county for the year 1841, he shall assess all polls and taxable property which were taxable for the year 1839 in said county, according to the then existing laws defining the duty of assessors.

SEC. 2. And be it further enacted, That it shall be Duty of clerk. the duty of the clerk of said county to make out and deliver to the collector of the same for the year 1841, at the next May or some previous session of the board of commissioners of said county the duplicate for the year 1839, having fixed the per centum for state purposes according to the provisions of the revenue law of 1839, and the per centum for county purposes according to the order of the board of commissioners of said county for the year last mentioned; and that said collector be governed in the collection of the same, according to the provisions of the revenue laws for the year last aforesaid.

This act to be in force from and after its passage, and being filed in the office of the clerk of said county.

CHAPTER CXI.

An Act defining the manner of selecting petit jurors in Hancock

[APPROVED, FEBRUARY 13, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter, the act entitled an act to regulate the mode of summoning and empanneling grand and petit jurors, approved February 17, 1838, so far as said act prescribes the mode of selecting petit jurors shall not apply to Hancock county.

Sec. 2. That hereafter, at each session of the circuit sheriff's duty. court, in each case to be tried by a jury in said court, it shall be the duty of the sheriff of said county, when ordered by the court, to select from among the citizens householders of said county, twelve jurors to try such case, who shall be subject to the same obligations, and entitled to the same compensation for the time they may be employed, as is provided in the act for which (so far as relates to the county of Hancock) this is a substitute.

Any law passed at this, or any former session of the legislature, to the contravention of any of the provisions of this act, is hereby repealed.

This act to be in force from and after its passage. Ends all all livery edit tot viction him

all polis and taxable property which were excluded

CHAPTER CXII.

An Act to amend an act approved February 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the state of Indiana may be entitled to and receive by virtue of an act of congress, approved June 23, 1836.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Various funds to State of Indiana, That in addition to the sinking fund, be drawn in and the surplus revenue fund received by the state, the college fund, the saline fund, and the state bank school fund, vested in bank shall be drawn in and vested in bank stock, in the name stock. of, and for, the state, in the manner hereinafter prescribed: Provided, That so soon as the surplus revenue is converted into bank stock, each branch shall, in granting Proviso. discounts, give a preference to each county to the amount of the surplus revenue called in from such county, in all cases where the paper offered for discount may be unexceptionable.

branch banks.

SEC. 2. It shall be the duty of all the loaning agents of said funds, except the sinking fund, to pay over to the branch of said bank that may be deemed the most convenient, all moneys now in the hands of any such agent or agents, or that may hereafter come into his or their hands, without any unnecessary delay.

Duty of branch banks.

SEC. 3. It shall be the duty of each branch of said bank into which any or any portion of said funds may be paid as aforesaid, to enter all such payments in the books of such branch to the credit of the state, and subject to the order of the sinking fund commissioners, keeping a separate account of each fund.

Duty of sinking fund commis. sioners.

Sec. 4. So fast as said funds may accumulate in any of such branches, it shall be the duty of said commissioners to invest the same in bank stock, either by increasing the stock of the branches already organized, or by the subscription of the same on the part of the state for the purpose of organizing the new branches authorized to be organized, as to said commissioners may seem most conducive to the interest of the state.

SEC. 5. It is hereby made the duty of said loaning Loaning agents agents to proceed immediately and collect all such sums to proceed immediately to belonging to any of said funds, including the sinking fund, collect the vathat are now due and payable, or that may hereafter be-rious funds. come due: Provided, however, That should any borrower of the surplus revenue desire further time to pay off the Further time giindebtedness that may be now, or may hereafter become on certain condipayable, it shall be given such borrower, at bank interest, tions. upon the conditions and in the manner following, to-wit: Said borrower shall procure from the proper loaning agent or agents a certificate of the aggregate amount of his indebtedness to this particular fund, and shall then execute his note for such amount, payable on or before the next succeeding first day of January to the proper branch; which note the borrower shall procure to be endorsed to the acceptance of such branch; and upon the delivery of said note, accompanied with said certificate, the cashier of said branch shall give him a certificate of that fact, and upon filing said last named certificate with the loaning agent or agents, such agent or agents shall give him a receipt in full for said amount of his indebtedness. And it shall be the duty of said branch to require said note to Notes to be rebe renewed on each succeeding first day of January until newed annually. the same is paid off, and at the time of any such renewal the conditions of the renewal shall be that the borrower pay one-fifth of the principal originally transferred as Amount of payaforesaid, with the interest on the residue in advance, so ment on each renewal. that the whole principal sum shall be paid up within five years from the time of such transfer: Provided, further, That the proper branch bank may in her discretion, and Proviso. at her own risk, grant the same indulgence to the borrowers of said fund as she does to borrowers of her own money: Provided, further, That should any such agent or agents deem it unsafe to delay suit until any such bor-Discretion of rower may return with the certificate showing that his agents. indebtedness is duly transferred as aforesaid, it shall be his or their duty to commence suit immediately against such borrower, but the borrower shall still have the privilege of making the transfer of his indebtedness as aforesaid at any time before judgment rendered, upon paving all costs that may have accrued: Provided, further, That Board of directif the board of directors of any such branch may deem ors may require that the security upon any note so as aforesaid given shall &c. have become unsafe, it shall be the duty of such branch to immediately give notice of that fact to some one of the drawers or endorsers of such note, and if the same be not made secure within a reasonable time, such note shall

al security.

be taken as due, be protested and sued upon without any unnecessary delay: Provided, That instead of giving personal security on the notes, thus transferring all of said fund to the bank, it shall be the duty of the proper branch Mortgages may to receive the existing mortgages where there are any for place of person. the security of the same when the same is deemed sufficient; and if not, then the borrower shall give mortgage security, if preferred to the personal, on unincumbered real estate of double the value of the amount to be se-

Dividend, how applied.

SEC. 6. The dividends arising from the state stock hereby created, together with the interest that may be received on the loaning of any of the said funds before the same is vested in bank stock shall be set apart and duly appropriated to the purposes prescribed for the interest arising from said funds agreeably to the provisions of the laws now in force in this behalf, and shall be duly paid over by the proper branch upon legal demand made; and the same is hereby pledged to the purposes now required by law. And it shall be the duty of the said sinking fund commissioners to keep a book in which the amount of Further duty of said fund received from each county shall be registered, commissioners, and from what funds the same is received; and it shall be the duty of said proper branch to pay over to the several counties upon legal demand of the school commissioner, (whose duty it shall be to apply for the same) the several amounts of said dividends properly due to said county in proportion to the amount of said fund derived from said county; and also to pay over to the person authorized to receive the same the amount due the state university of said dividends now required by law. SEC. 7. That the privilege of issuing notes of a less

Authority to is. enlarged, &c.

sinking fund

sue small notes denomination than five dollars, granted the bank by this general assembly, be, and the same is hereby enlarged so as to run from the first day of January, 1841, through a period of five years, and the trouble and responsibility of Trouble and re the state bank in managing and collecting the funds herethe bank taken in provided for, being converted into bank stock, shall be in full conside: deemed and taken as in full consideration of the one per ration for the centum required to be paid by the bank to the state on the amount of small notes which the bank has been by the general assembly authorized to issue, and nothing in said act authorizing the bank to issue small notes shall be so construed as to authorize the taxation of any bank stock which has not been heretofore subject to taxation.

Agents of surplus revenue continued.

privilege.

Sec. 8. The existing agents for loaning the surplus revenue in the several counties shall be continued in office so long as their services shall be needed; and wherever there may be now, or may hereafter be, a vacancy in said

office in any county, it shall be the duty of the board do-vacancies, how ing county business to fill such vacancy; and all agents so filled. appointed shall be qualified to discharge their duties agreeably to the laws now in force before taking upon themselves to act as such agent: and such board may at any time, when they may deem that the interests of the Agents may be state demand it, require any of said agents to give addi-required to give tional security or dispuse any such agents to give additional secutional security, or dismiss any such agent from office, as rity. may be deemed most expedient.

SEC. 9. That it shall be the duty of the commission-Time extended ers of the sinking fund, on the application of any bor-to borrowers of rower, whose loan is now due, or may fall due in the fund. year 1841, to extend the time of payment of such loan, so that the same shall be paid in five annual payments, at the rate of interest now charged for the state by said commissioners, and on the present mortgaged security, if deemed by such commissioner sufficient, or otherwise on satisfactory additional security; the interest to be paid annually in advance on, what remains of the loan as here-

SEC. 10. That the state officer having charge of such saline and colloans, shall, in like manner on application of any such bor-lege funds. rower of the saline and college fund, extend the loans of said funds, as above provided as to the sinking fund, and the treasurer of state shall from time to time, on the receipt of the principal and interest of said loans, forthwith deposit the same in the nearest branch of the state bank of Indiana, subject to the order of the sinking fund commissioners, to be vested in bank stock, as in this act provided.

SEC. 11. That it shall be and is hereby made the duty of Board of county the board of county commissioners of every county in commissioners this state to decide at a special continuous of the decide when this state, to decide at a special session of said board, to ther surplus revbe called for that purpose, on the second Monday in Au-enue shall be gust next, (or in case no such such session be called, then stock. it shall be taken as acquiesced in by said board) whether or not, the surplus revenue fund of their county shall be invested in bank stock, as provided for in this act; and upon such decision being in the affirmative, the same shall be so vested as herein provided, and if in the negative the said county commissioners shall forthwith at their said session settle with the surplus revenue agent of their county, and shall thereupon re-appoint such agent or appoint another agent of said fund, as to them shall seem expedient.

SEC. 12. That nothing in this act shall be so constru-Bank not liable ed as to subject the said bank, or any of its branches to for funds until any liability in regard to any of said funds, until the mo-ed. ney therefrom is received by such bank.

SEC. 13. This act shall be in force, so soon as the state bank shall file with the secretary of state, official

notice of her acceptance in the proper manner, of the provisions thereof, and it shall then be published in the Indiana Journal and Democrat.

CHAPTER CXIII.

An Act declaring Patoka a public highway, and for other purposes.

[APPROVED, JANUARY 27, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Patoka declared State of Indiana, That the stream commonly called Patoka, be, and the same is hereby declared a public highway, and navigable to William McDonald's mill on the said stream in the county of Orange.

County board to lay off their counties into districts.

way.

SEC. 2. It shall be the duty of the boards doing county business in the counties of Gibson, Pike, Dubois and Orange, at their May term, or any subsequent session, to lay off so much of said stream as lies within their respective counties in such districts as may best suit public convenience, extending two miles from said stream, on each side, and to assign to the proper supervisor, all persons subject to work on roads and highways by the laws of this state, residing within such districts as may be laid off under the provisions of this act.

Hands liable to work on roads to work on stream.

Sec. 3. That all persons liable to work on roads and highways within the districts hereby provided for, shall, from and after the taking effect of this act, be required to perform any number of days labor that may be deemed necessary, not exceeding four in each year, under the direction of the supervisors appointed or elected under the provisions of this act, in whose district they may respectively reside upon said stream, for the purpose of removing obstructions to the passage of boats on said river.

Duty of supervisors.

Sec. 4. That it shall be the duty of every supervisor appointed or elected under the provisions of this act, after having taken an oath or affirmation faithfully to discharge the duties assigned them, to call on all persons living within their respective districts to perform the work required by the provisions of this act; and if any person or persons shall fail or refuse to perform such labor, after having received at least three days notice of the time and place by the proper supervisor in person, or by some person by whom he can prove the same, or by a written notice, left at the usual

place of the residence of such person, he or they shall forfeit and pay the sum of seventy-five cents for each day he may refuse or neglect to labor on said river; to be recovered before any justice of the peace of the proper county having jurisdiction thereof, in the same manner and subject to the same regulations as are now prescribed for the collection of fines and forfeitures for failure to work on roads and highways, and when collected shall be by the supervisor expended in the improvement of said stream.

SEC. 5. Any freeholder, refusing to accept said ap-Penalty for supointment of supervisor, or to take the oath or affirma-pervisor refution required, shall forfeit and pay the sum of three dol-appointment. lars, to be recovered by presentment or indictment: Provided, no person shall be compelled to accept said ap-

pointment more than once in five years.

SEC. 6. Any supervisor failing to discharge any of the Penalty for reduties enjoined on him by the provisions of this act, or fusing to disby virtue of his office, shall forfeit and pay any sum not charge duty. exceeding ten dollars, to be recovered by presentment or indictment in any court having competent jurisdiction thereof.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER CXIV.

An Act to repeal an act entitled an act to regulate the jurisdiction of the justices of the peace in the county of Hamilton, approved, February 18, 1840.

[APPROVED, FEBRUARY 10, 1841.]

Be it enacted by the General Assembly of the State Repeal. of Indiana, That an act entitled an act to regulate the jurisdiction of the justices of the peace in the county of Hamilton, approved, February 18, 1840, be, and the same is hereby repealed.

This act to be in force from and after its passage.

tions and restrictions as is proved at in the act to which

notice as are stilled in the fifth section of the act to

CHAPTER CXV.

An Act legalizing the election of a probate judge in Kosciusko toerday has remand emps county. Joered no tolbarur valv

[Approved, February 4, 1841.]

WHEREAS, it has been represented to this general assembly, that the probate judge of Kosciusko county, elected on the first Monday of August, 1838, was elected previous to his having obtained his certificate of qualifications, but the said judge has, since the election, procured and received the necessary certificate, as required by law; Therefore-

Acts of probate

Be it enacted by the General Assembly of the State judge of Koscius of Indiana, That the aforesaid acts of said judge of proko county legal bate for said county of Kosciusko, be, to all intents and purposes, valid and bona fide, as fully in every respect as if said judge of probate had received his certificate of qualifications before his election.

This act to take effect and be in force from and after

its passage.

CHAPTER CXVI.

An Act to amend an act entitled, an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1, 1838.

[APPROVED, JANUARY 29, 1841.]

Be it enacted by the General Assembly of the State sioner of Monroe of Indiana, That the school commissioner of Monroe out money, &c. county, be, and he is hereby authorized and required to loan out, or otherwise renew loans heretofore made by him of all moneys which are now, or may hereafter come into his hands belonging to congressional township number eight north, of range number one west, in said county for the same length of time, and upon the same conditions and restrictions as is provided in the act to which this is an amendment: Provided, however, That said commissioner shall not be required to give the ten days notice as prescribed in the fifth section of the act to which this is an amendment. So much of said act, as

contravenes the provisions of this act, be, and the same is hereby repealed.

This act to be in force from and after its passage.

Sec. 2. It shall be the duty of the beard of internal improvements, of the acting commissioner of the Wabach

CHAPTER CXVII.

An Act providing for the payment of the bank debt.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State State bond to be of Indiana, That the proper persons authorized by law executed and deto execute the bonds of the state, are hereby directed to in payment of execute and deliver to the state bank of Indiana, the debt due. bonds of the state to an amount equal to the principal and interest that may be due the said bank for the advances heretofore made by her to the state on account of the internal improvement, and Wabash and Erie canal funds.

SEC. 2. The bonds thus to be executed shall be dol-Description of lar bonds bearing interest at the rate of six per cent., bonds. principal and interest payable in New York, or five per cent. sterling bonds, principal and interest payable in London, and redeemable in not less than five nor more than twenty-five years, at the option of the bank, and said bonds when accepted by the bank shall be in full of said debt due the bank.

SEC. 3. This act to be in force so soon as it is approved by the governor, and filed in the office of the secretary of state.

CHAPTER CXVIII.

An Act to authorize the payment of contractors on the Wabash and Erie canal, east of the mouth of Tippecanoe river.

[APPROVED, FEBRUARY 15, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the certificates heretofore issued by nal lands.

Certificates re- the board of internal improvements, in favor of contracceivable for ca- tors upon the Wabash and Erie canal, for work done upon said canal, shall hereafter be receivable in payment for canal lands, as well those heretofore sold, as those which may hereafter be sold.

Board of internal improvements may ex-

SEC. 2. It shall be the duty of the board of internal improvements, or the acting commissioner of the Wabash change large for and Erie canal, upon the application of any holder of said certificates, to give in exchange for any of the same, any number of certificates for smaller amounts, the aggregate of which shall not exceed the amount of the certificates so exchanged for such smaller ones, all of which shall bear interest from date.

CHAPTER CXIX.

it enacted by the General Assembin of the State Eate bond to be

Ladiana, That his proper persons authorized by law executed and de-

o execute the bonds of the state, are hereby directed, to a payment of

ingionist educated the mineipal An Act to provide for the payment of the interest on the public debt of the state of Indiana, and for the redemption of the treasury notes of the state.

[APPROVED, FEBRUARY 15, 1841.]

Provision for on state debt, treasury notes.

Be it enacted by the General Assembly of the State of paying interest Indiana, That for the purpose of paying interest on the and redeeming state debt, and for the redemption of the treasury notes of the state, the fund commissioners are hereby authorized and required to use any portion of the supended debt due the state, and to sell any of the securities the state may hold, for the payment of said suspended debt, by and with the advice and consent of the treasurer, auditor, and governor, or a majority of them, having a strict regard to the interest of the state; also to sell internal improvement bonds of such a description, bearing such a rate of interest, and of such a date as will command the money, and best comport with the interests of the state: Provided, they shall not exceed seven per cent. New York bonds for cash at par, or exchange them for the treasury notes of the state at par. And if funds are provided for that purpose, said treasury notes shall be redeemed according to the provisions of an act authorizing the issue thereof.

This act to be in force from and after its passage.

Suc. I. Be it reacted by the General Assembly of the

State of Indiana, That the conflicates heretofore issued by

the board of internal improvement shall direct it, the a-CHAPTER CXX.

An Act to secure the safety of the public funds by requiring bonds of certain officers.

[Approved, February 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State Members of of Indiana, That each member of the board of internal board of internal improvement shall execute to the state of Indiana. improvement shall execute to the state of Indiana, a bond ment shall give in the penal sum of twenty thousand dollars, with securities to be approved by the governor, conditioned for the faithful performance of their duties, and the faithful accounting for, and paying over of all public moneys which may come into their hands.

SEC. 2. All payments made by the board of internal Payments, how improvements for construction, repairs, damages, or other made. purposes connected with the public works, shall be made, so far as practicable, by draft on the fund commissioners, or treasurer, in favor of the creditor of the state, each draft specifying on its face, the purposes for which the payment is made; and it shall not be lawful for any member of the board, or acting commissioner, at any time to have in his hands unaccounted for, a greater sum than five hundred dollars.

SEC. 3. Each superintendent of repairs, appointed by superintendents the board of internal improvement, on any of the pub-shall give bond. lic works, shall execute to the state, a bond in the penal sum of two thousand dollars, conditioned for the faithful disbursement, and accounting for all moneys that may be placed in his hands, with such securities as shall be approved of by the governor, and the board of internal improvements shall not place in the hands of any superintendent at any one time, a sum exceeding two thirds of the amount of his bond.

SEC. 4. Whenever it may become necessary for the clerk in land of acting commissioner on the Wabash and Erie canal, on fice shall give account of his absence on other duties, to employ a clerk rity. in the canal land office, to keep the books, and receive the moneys that may be paid in for sales or interest; such person acting as clerk shall execute to the state of Indiana, a bond in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, and the prompt payment to the fund commissioners or treasurer of state, of all monies received for sales, or interest, with such securities as may be approved by the governor, and it shall be the duty of such clerk or collector to pay Duty of Clerk over to the treasurer of state quarterly, or oftener when &c.

the board of internal improvement shall direct it, the amount of monies received for lands; and also, at the time of making such payment, to furnish the auditor of public accounts, with an abstract from the books of the office, showing the amount collected by the officer for sales and interest: Provided, that the clerk provided by the provisions of this act, shall not receive a greater compensation than at the rate of six hundred dollars per annum.

Compensation.

Bonds shall be

Sec. 5. The bonds provided for in this act shall be filed in the office of secretary of state; and in case of failure to comply with the conditions of any of said bonds, the Governor shall immediately commence suit thereon,

School of Land and CHAPTER CXXI.

accounting for, and paying over of all public moneys

An Act to provide in part for the payment of the interest on the public debt, and to increase the stock of the state, in the state bank, and to authorize said bank to issue notes of a less denomination than five dollars.

[APPROVED, FEBRUARY 6, 1841.]

of sinking fund their duties.

SEC. 1. Be it enacted by the General Assembly of the Commissioners State of Indiana, That the commissioners of the sinking fund are hereby required to set apart on their books. the capital of the state in the state bank, being one million, three hundred and four thousand nine hundred and fifty dollars, and also the mortgages of stockholders for cash advanced by the state for the payment of stock, being two hundred and twenty-four thousand dollars, and making together the sum of one million, five hundred and twenty-eight thousand, nine hundred and fifty dollars, for the purpose of redeeming the debt due by the state for bonds sold under the bank charter for bank purposes; being the sum of one million, three hundred and ninety thousand dollars.

Shall vest in bank stock money received from debtors to sinking fund.

Sec. 2. That so fast as the debtors of the sinking fund shall pay to the commissioners the debt due, or becoming due, the amounts so received shall be invested by the said commissioners in bank stock, in the name and for the state; any law requiring the same to be re-loaned on bond and mortgage to the contrary notwithstanding. Such investments to be made in such sums, and in such branches as the commissioners may judge proper; Provided, that the amount of money not invested in the hands of said commissioners shall not be permitted to exceed, at any one time, five thousand dollars.

SEC. 3. That the commissioners of the sinking fund shall pay over to treasurer divshall semi-annually pay over to the treasurer of state, idends &c. all moneys in their hands; being the balances of dividends on bank stock, and interest on mortgages, remaining after the payment of the interest on bonds sold, and by the charter required to be paid by them.

Sec. 4. And whereas, by the one hundred and four-common teenth section of the bank charter, all the profits of the schools. sinking fund, over and above the payment of the bank loans, interest and expenses, are set apart for the benefit of common schools: therefore, be it enacted that the investments, and the payments in the second and third sections above contemplated, shall, when made, be deemed loans from the said sinking fund to the state, and shall bear interest accordingly, at the rate of six per cent. per annum, the principal and the accumulated interest, to be repaid by the state, whenever the bank stock loan shall be paid off, and the bank wound up.

SEC. 5. That hereafter the capital stock of the said Tax on stock bank shall be taxable, in addition to the tax of twelve and one-half cents on each share for education, only for state purposes; which tax shall be a per centum, in amount each year, equal to the amount of state tax; and to the amount of county tax in the county in which the respective branch may be situated for the year; and shall be paid over by the cashier of each branch to the treasurer of state, and by such cashier shall be charged to the stockholders and deducted from the dividends: Provided, that the whole amount of the tax herein provided, Proviso. with said education tax, shall not exceed one per cent. on the said capital stock: Provided, that the right is hereby reserved to the bank of having the question adjudicated in any court of record in this state, subject to appeal or writ of error as in other cases, whether the tax assessed by the fifteenth section of the bank charter for education purposes is included in or is an addition to the ad valorem taxation to which the individual stock is liable as other property, while the whole of the assessment on such stock is, in all, less than one per centum; and the auditor of state shall, by legal counsel, manage such case on the part of the state: Provided also, that if the final Further provisedecision in such case should be, that the said education tax is, under the charter not an addition to, but included in the ad valorum taxation in the event above referred to, then this section shall receive a like construction, any thing herein to the contrary notwithstanding.

Bank may issue and circulate small notes.

SEC. 6. It shall be lawful for the state bank of Indiana, to issue and circulate notes of a denomination less than five dollars, to an amount not exceeding one million of dollars: Provided, That this privilege shall be subject to the control of the general assembly from and after the twenty eighth January, 1844: Provided, also, That said bank shall not be allowed to issue more notes in amount than is now authorized by the charter: And, provided further, The bank shall pay into the treasury of state, one per centum for the amount of notes under the denomination of five dollars hereby authorized to be issued, to be paid in three annual instalments, beginning with the current year: Provided, further, That nothing in this section shall be so construed as to authorize the bank to issue bills of a less denomination than one dollar.

Sec. 7. Provided, That the fifth and sixth sections of this act shall not take effect until they shall be adopted by the state bank of Indiana as a part of the charter of the bank in the manner required by the charter.

This act to be in force from and after its passage.

one half cents on each suate for edited for baily for

CHAPTER CXXII.

An Act authorizing purchasers of the Wabash and Erie canal lands to pay interest thereon.

[APPROVED, FEBRUARY 15, 1841.]

Forfeited lands

Be it enacted by the General Assembly of the State of may be redeem Indiana, That all persons who have heretofore forfeited their canal lands for the non-payment of the interest upon the same, and which remain unsold by the canal commissioners, be, and they are hereby authorized to redeem said land, at any time, before the first day of August 1841, When and how on the payment of said interest ten per centum forfeiture. and interest from the date of such forfeiture to the officer having charge of said canal lands.

This act shall be in force from and after its passage.

CHAPTER CXXIII.

An Act to repeal part of an act entitled, an act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes, approved February 22, 1840.

[APPROVED, JANUARY 20, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Former act re. State of Indiana, That so much of the act entitled, "an pealed. act relative to the New Albany and Vincennes McAdamized road, and for the better regulation thereof, and for other purposes," approved February 22, 1840, as appoints John Frazer, of the county of Orange, superintendent on said road, and so much as regulates his salary and duties in relation thereto, be, and the same is hereby repealed.

SEC. 2. That so much of said act as appoints Amos Clark superintendent on the Central canal, which lies between the Pigeon feeder and Evansville, and so much as regulates his salary and duties, be, and the same is here-

by repealed.

SEC. 3. That the board of internal improvement are Duty of board of hereby authorized and required to take upon themselves, provements. the several duties required by said act, or so much thereof as does not conflict with the provisions of this act.

SEC. 4. Said board are hereby authorized and empowered to make full settlement with said superintendents, to the time of taking effect of this act; and said superintendents are hereby required to make full reports, of all their proceedings to said board, with a view to said settlement, after the taking effect of this act.

SEC. 5. Said board of internal improvement shall exercise a supervisory control over said road and canal as a part of their official duties, without any additional salary.

the same, faithfully and impartially to discern enter ou ey, shall measure and estim de the same, and make defin cate copies of an award which finally docade the case and file a copy of the same with the board of internal improve

works upon which ston contractor may have

This act to be in force from and after its passage.

CHAPTER CXXV.

An Act to secure to the owners of land upon which the public works have been suspended, the use of the same.

[APPROVED, JANUARY 15, 1841.]

Privileges of Owners or occu- of Indiana, That upon any of the public works, or parts thereof, upon which operations have been suspended, the fee simple owners, or occupiers of the land, shall have the right to fence and cultivate the same, until the work is needed for the use of the state: Provided, that no such owners of land shall be permitted to destroy, or injure, any part of the public works; And provided further, that no such fence shall obstruct any county or state road, nor road along which the public are accustomed to travel.

salmy and duties, be, and the same is here

This act to take effect and be in force from and after its passage.

CHAPTER CXXV.

An Act to provide for the settlement of suspended claims for laboron the public works.

[APPROVED, FEBRUARY 15, 1841.]

Remedy for contractor when dissatisfied with estimates.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That whenever any contractor or contractors who are or may be dissatisfied with the estimate for settlement of any resident engineer for work done, or materials furnished for the state upon any of the public works, the board of internal improvements shall, upon the application of such contractor or contractors select one, and the applicant shall select one, which two shall on the application of either party select a third, all of whom shall be competent, disinterested engineers, neither of whom shall be in any manner connected with the line of public works upon which such contractor may have performed or furnished the materials for which his claim may be.

SEC. 2. The engineers thus selected shall, after taking an oath, before some authority competent to administer the same, faithfully and impartially to discharge their duty, shall measure and estimate the same, and make duplicate copies of an award which finally decide the case, and file a copy of the same with the board of internal improve-

ments, and give the other to said contractor or contractors so complaining.

SEC. 3. When it shall happen that any contractor or Duty of engicontractors shall have been overpaid, as evidenced by the neers. award of said engineers, the said contractor or contractors shall be liable to refund the same to the state, and pay the costs of such estimate and award, which may be recovered by action for money had and received, in the name of the state; and the award of such engineers properly authenticated shall be received as evidence of the amount so overpaid to such contractor or contractors.

Sec. 4. All laws and parts of laws coming within the purview of this act, are hereby repealed.

public works in this state, which may constitute

This act to be in force from and after its passage,

CHAPTER CXXVI. seventici lagiotai

An Act to classify the public works, and for other purposes.

[Approved, February 13, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the White Water canal from Works in the Brookville to Connersville, the Madison and Indianapolis first class. rail road from Vernon to Edinburgh, and the Grand Rapids of the Wabash river below Vincennes, shall constitute the first class, and all the other public works enumerated in the act of 1836, providing for a general system second class. of internal improvements shall constitute the second class.

SEC. 2. The sum of one hundred and fifty thousand Appropriation dollars, part of the suspended debt due the state for sale to White Water of state bonds heretofore sold for internal improvement purposes, is hereby appropriated to the White Water canal, to be expended in the construction of said canal between Brookville and Connersville under the direction of the board of internal improvements: *Provided*, The said board shall so expend the same as to make one continuous line of said canal from Brookville, so as to extend the navigation of said canal as far as possible towards the said town of Connersville.

SEC. 3. The further sum of one hundred thousand Appropriation dollars worth of rail road iron, out of the suspended debt to rail road. aforesaid, is hereby appropriated to the construction of the Madison and Indianapolis rail road, to be expended under the direction of the board of internal improvement

Proviso.

on said road, between Vernon and Edinburgh: Provided, however, The transportation charges from the city of New York to Madison, Indiana, on said rail road iron, shall be paid out of the sum of four hundred thousand dollars heretofore appropriated on said road.

Appropriation to Wabash

Sec. 4. The further sum of fifty thousand dollars out of the suspended debt aforesaid, is hereby appropriated to the Wabash river, to be expended by the board of internal improvement in the improvement of the Grand Rapids of the Wabash river below Vincennes, and it is hereby made the duty of the governor of this state to request the governor of Illinois to communicate this fact to the legislature of that state with a view of obtaining a similar amount, to be expended on said rapids.

Unfinished pormay be taken by

SEC. 5. It shall be lawful for an individual or corporation to take up and finish any unfinished portion of the public works in this state, which may constitute a continuous line, and when the same are finished, they shall be placed under the control and direction of the board of internal improvement.

How to proceed.

SEC. 6. Whenever any individual, companies, or corporations shall desire to prosecute any portion of the unfinished works, they shall be at liberty to proceed to let out such contracts on the same, as they may desire, under the direction of the board of internal improvement, and enjoy the use and profit of such portions, as they may have finished: Provided, That the state shall have the right to take such work so finished at any time after ten years, by paying the individuals or companies who shall have finished the same, the amount of their expenditures on the same, with six per cent. interest.

Suspended debt,

SEC. 7. The suspended debt of the state, and all the c., how appro- avails, which may arise from the sale of the securities taken by the fund commissioners of the state of Indiana, to secure the same, whether property or money are hereby specially appropriated to the following purposes, to wit: First, to the payment of the outstanding treasury notes of the state of Indiana; and secondly, to the interest accruing during the years 1841 and 1842, on the public debt of the state of Indiana, and redemption of bonds heretofore hypothecated: The residue thereof shall be applied to the works named in this act, as herein directed.

SEC. 8. This act to be in force from and after its pas-

CHAPTER CXXVI.

An Act to provide for the further construction of the Madison and Indianapolis rail road.

[APPROVED, FEBRUARY 15, 1841.]

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the boards doing Additional tax county business in the counties of Jefferson, Jennings, in certain coun-Bartholomew, Johnson, and Marion, to assess on their appraisement rolls of said counties, a tax in addition to their county tax, for five years next ensuing the year 1841 inclusive, equal to five cents on every hundred dollars of taxable property on said appraisement rolls, to be paid into the state treasury by the several treasurers of said counties, together with the state tax assessed and collected in their several counties for said years.

SEC. 2. The boards doing county business in said County board may enter order

counties may enter an order on their several books, which on books, &c. shall be obligatory on their respective counties, for the payment into the state treasury of the amount of the tax aforesaid at the times above named, the payment of which may be guaranteed by any citizens of this state, by a sealed bond to the acceptance of treasurer and auditor of state, to be filed in the office of the treasurer of state; and, on compliance with the provisions of this and the preceding section, it shall be lawful for the fund commissioners to receive in payment of the suspended debt, or Fund commisfrom the Morris canal and banking company, one hun-ceive rail road dred thousand dollars worth of rail road iron, to be used iron. in the construction of the Madison and Indianapolis rail road between Vernon and Edinburgh, under the superin-

tendence of the board of internal improvement. Sec. 3. The cost of transporting the iron herein authorized to be purchased, from the port at which the same may be landed in the United States, to the town of Madison, shall be paid from the four hundred thousand dollars heretofore appropriated to said road. It shall be the duty of the secretary of state to transmit to the clerks of the boards doing county business in the counties named

in this act, a certified copy of this act.

This act to be in force from and after its passage.

CHAPTER CXXVII.

An Act to regulate the receipt and disbursement of the internal improvement fund.

[APPROVED, JANUARY 29, 1841.]

Sec. 1. Be it enacted by the General Assembly of the Internal improvement mo. State of Indiana, That all moneys borrowed on the neys, how paid credit of the state, or procured by any other means, for over and depose the prosecution of any of the public works; all moneys arising from the sale of lands, lots, or other property belonging to the state, for the same purpose, shall be paid into the state treasury, or shall be deposited in some safe bank, subject to the order of the said treasurer, by the agents or commissioners negotiating, procuring, or receiving the same, upon the certificate of the auditor of state; and the treasurer shall receipt for said money, specifying Treasurer shall the source from which received, as the same may be set

forth in the certificate, and the purposes to which the same is credited or appropriated; upon which receipt, the treasurer shall be charged in the books of the auditor, and be credited with all payments therefrom, when made

according to the provisions of this act.

All moneys retreasurer.

give receipt.

SEC. 2. That all moneys arising from tolls, and water ceived for tolls, rents, all dividends arising from bank or other stock, appropriated for internal improvements, and all revenues arising from taxation for internal improvement purposes, shall be in like manner certified and paid into the state treasury, and charged to the treasurer as a separate fund; and such funds shall only be drawn for such purposes as may, by law, be specified, the purpose of all drafts being distinctly set forth in the face thereof.

How drawn.

Sec. 3. That all moneys arising from the sale of ca-Proceeds of canal lands, &c. O nal lands or interest thereon, unless otherwise provided for by law, or other lands or funds given in trust, or loaned to the state, and which now are, or may hereafter, be appropriated for canal or improvement purposes, shall be paid into the treasury to the charge and credit of the proper fund, in the appropriate books; and the person paying the same shall file in the auditor's office the treasurer's receipt, who shall thereupon charge the treasurer with the amount of such receipt.

Disbursements. how made.

Sec. 4. That all moneys for the payment of contracts on the public works, for construction, contingencies, or repairs, shall be disbursed by the treasurer of state, or under his responsibility, by such agents as he shall appoint; the necessary expenses of such disbursement being paid

from that fund: Provided, That the incidental expenses of Proviso. the board of internal improvement shall be drawn to their order and received and accounted for in the manner hereinafter provided for, and the amounts required for the payment of interest on the public debt, shall be paid to the fund commissioners, or such agent as they may designate to make such payments.

SEC. 5. That the fund commissioners shall, from time Fund commisto time, draw upon the auditor of state for such sums in sioner to draw the treasury as shall be necessary for the saveral numbers upon the audithe treasury as shall be necessary for the several purposes tor. specified in the fourth section of this act; each fund, and for each improvement shall be drawn for separately, and the same specified in the face of such draft; and the au-Auditor shall ditor of state shall forthwith draw upon the treasurer for draw upon treasuch amounts, also specifying the fund and purpose for surer. which drawn, in his drafts.

SEC. 6. That the auditor of state shall open accounts Duty of auditor. with the several funds above specified, with the treasurer of state, for the same, the fund commissioners, the treasurer as disbursing agent, and the acting commissioners of the board of internal improvements; that when any moneys are drawn for by the fund commissioners, he shall, before delivering his draft upon the treasurer of state, cause the same to be recorded, and that fact duly attested, endorsed upon the back thereof, and thereupon shall charge the fund so drawn upon, and credit the treasurer with the amount of such draft.

SEC. 7. That when moneys shall be so drawn in favor Treasurer's duof the treasurer of state, for disbursement, he shall ty, &c. charge upon the record of such draft said treasurer with the amount as disbursing officer; he shall in like manner charge the acting commissioners of the board of internal improvements, and the fund commissioners, with the amounts drawn for incidental expenses or for the payment statement of exof interest; and the treasurer shall every sixty days, and penditures, the acting and fund commissioners shall semi-annually, on the 30th days of April and October, render a statement of their expenditures of such amounts, with the proper vouchers correctly filed and numbered; which settlement the auditor shall examine, and if the same be found correct and approved, he shall file the same and credit the treasurer or acting or fund commissioner as the same may be, upon the books of his office, and said accounts shall be closed with the fiscal year, on the 30th of October annually.

SEC. 8. That the auditor shall report, in his annual Further duty of communications, the amounts received through the de-auditor. partment of public works, designating the several sources and purposes; and also a full and concise statement of the

expenditures thereof, as the same shall appear from his record of draft and settlements with the several disbursing officers, together with the balance remaining in the treasury at the close of the fiscal year.

Board of inter. nal improve.

give bond, &c.

Shall deposite moneys.

Moneys arising from sale of how deposited.

Auditor shall report to fund to funds on hand.

Fund commisoffice, and where.

SEC. 9. That the board of internal improvements shall appoint upon the several canals, turnpikes, and rail point collectors, roads, or other public works in this state, as many collectors of toll as they may deem expedient, who shall hold their appointments during the pleasure of the board, and shall give bond and security to the acceptance of the Collectors shall board, payable to the state of Indiana, and conditioned for the faithful discharge of their duties, and for the payment of all sums of money which may come into their hands as such collectors; and said collectors shall, every sixty Shall make du days, make out duplicate reports of the amount of tolls received by them, one of which reports shall be filed in the office of the board of internal improvements, and one in the auditor's office; and said collectors shall also immediately after making such reports, deposite with the treasurer the amount of tolls in his hands, deducting the compensation allowed him for his services by the board of internal improvements, and any amount he may have expended for necessary expenses, that shall be approved of by the said board, and take the treasurer's receipt therefor, which receipt he shall forthwith file in the auditor's office, who shall thereupon charge the treasurer with the amount of such receipts in the proper books. SEC. 10. That whenever hereafter any moneys shall

come into the hands of the fund commissioners belonging state bonds, &c to the state upon the sale of state bonds, or in payment of any debts due the state, or by any other means, the same shall be forthwith deposited in some bank or banks of good standing, to the credit of treasurer of state, on the most advantageous terms that may be obtained, and the same shall be paid out as hereinbefore specified.

SEC. 11. That the auditor of state shall report every sixty days, to the fund commissioners, or oftener if the same may be necessary to the public wants, the amount of moneys subject to the several purposes for which the same has been paid or deposited.

Sec. 12. That the board of fund commissioners shall sioner shall keep keep an office at the seat of government, and all notices or reports required by law to be given or made to said board, by any of the officers of state, when left in writing at said office, or deposited with the secretary, shall be considered as given or made to the board of fund commissioners.

Funishment for Sec. 13. That if any officer or agent, connected in misuse of funds, any manner, with the collection, safe keeping, or dis-

bursement of the funds aforesaid, shall, either directly or indirectly loan, use, or in any way dispose of any portion of the funds aforesaid, otherwise than is provided in this act, he shall be liable upon conviction thereof, to imprisonment in the state prison for any term of time, not less than two, nor more than fourteen years.

SEC. 14. The treasurer of state shall cause to be en-Duty of treasutered on his books a copy of all the accounts heretofore rer. charged on the books of the fund commissioners, for expenditures on each of the public works in this state.

SEC. 15. It shall be the duty of the treasurer of state, Further duty of when moneys are deposited to his credit in any bank, un-treasurer. der the provisions of this act, in disbursing said moneys, to sell his draft on said bank at the current rate of exchange, whenever, in his opinion, the interest of the state or the convenience of making the disbursements will be promoted by such sale, and the premium received on such sale shall be credited on his books, to the proper fund as premium on drafts.

Sec. 16. That all acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed.

CHAPTER CXXVIII.

An Act to amend an act entitied "an act to allow further time to the Lawrenceburgh and Indianapolis rail road company, to settle up and close their affairs," approved, February 18, 1840.

[APPROVED, FEBRUARY 4, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all the provisions of the above recited act shall be, and the same are hereby, extended to said company, for the term of one year, from and after the 15th day of February, 1841.

SEC. 2. Nothing in this act shall be so construed, as to affect, prejudice, or delay the claims of the state or individuals against said company.

This act to be in force from and after its passage.

CHAPTER CXXIX.

An Act to provide for the appointment of a fund commissioner, to collect the suspended debt of the state.

[APPROVED, FEBRUARY 13, 1841.]

Fund commissioner how elected.

Term of ser-

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be elected by a joint viva voce vote of both houses, one fund commissioner, to take charge of, collect, settle, and receive the suspended debt due, and other property belonging to the state, in the state of New York and elsewhere; who shall serve as such for two years, unless removed by a joint resolution of the general assembly, and before entering upon the discharge of the duties hereinafter assigned him, he shall enter into bond to the state of Indiana, in the penal sum of one hundred thousand dollars, with such securities as may be approved of by the governor, and conditioned for the faithful discharge of his duties in all things according to law;

Shall give bond and security.

which bond shall be filed in the office of secretary of state; Shall take oath. and said fund commissioner shall also take an oath of office: Provided, that in case a vacancy in the office of

fund commissioner as provided for in this act, from any Vacancy how filled. cause whatever, when the legislature is not in session, it shall be the duty of the governor, without any unneces-

sary delay, to fill such vacancy.

He shall take charge of suspended debt.

SEC. 2. It shall be the duty of the said fund commissioner to repair to the city of New York, and to such other places as may be necessary, and take charge of the suspended debt due the state from the Morris canal and banking company, and from various other persons and corporations on account of state bonds heretofore sold; and also of all property and business of the state, in any of the eastern states or cities, pertaining to the debts due the state.

Shall collect the

SEC. 3. It shall be the duty of said fund commissioner, and he is hereby authorized and required, to collect and receive the said debts due the state from the said Morris canal and banking company, and from all and every other person, or persons, or corporation, arising from the sale or transfer of said bonds, or from any compromise or contract whatever, and to institute and prosecute any and all such suits and proceedings, as he may deem proper and expedient for any of the purposes aforesaid, in the name of the state aforesaid.

May make conpromise.

SEC. 4. It shall be lawful for said fund commissioner in behalf of the state, to make and execute any contract or contracts that he may deem proper, in the settling, securing and collecting any such debt due the state; and to compromise and compound such as he may deem desperate, on such terms and conditions as may be most conducive to the interest of the state; and it shall be lawful for said fund commissioner to make and execute any lease for any property belonging to the state taken in any contract or compromise growing out of the sale of state bonds: Provided. however, it shall not be lawful for the Proviso. said fund commissioner to make any contract, compromise or composition whatever in relation to the settlement of the suspended debt, or sale of property belonging to the state whereby it may become necessary to make any further issue of state bonds.

Sec. 5. That it shall further be lawful for said fund He may, on cercommissioner, at such time as the same can be done at a tain conditions rate advantageous to the state, by and with the advice and consent of the governor, treasurer and auditor, to sell and dispose of any part or all of the said property, debts and securities owned by the state, referred to in the second and third sections of this act, and on behalf, and in the name of the state, make, execute and deliver all such contracts, deeds of conveyance, and other writings, as may be necessary and proper for the purpose aforesaid.

SEC. 6. The fund commissioner shall, if in his opin-May institute leion any of the bonds of the state or other securities shall gal proceedings for the recovery have been fraudulently obtained from the former agents of bonds frauduof the state, in cases where there is a prospect of recov-lently obtained. ering such bonds, institute legal proceedings by injunction or otherwise in any of the following cases:

1st. Where the fund commissioner has reason to believe the bonds or other securities of the state are in the hands of the persons, or bodies politic, or corporate, who originally obtained possession of them by fraudulent pretence of purchase, or by any other fraudulent pretence whatever.

2d. When the bonds or other securities may be in the hands of any persons, bodies politic or corporate who may have received any of said bonds or securities in trust, and fraudulently converted them to their own use, and in cases where bonds or other securities so obtained are in the hands of persons, bodies politic or corporate, who may have been privy to, or participant in such breach of trust.

3d. In all cases where the fund commissioner has reason to believe the bonds, or other securities of the state, which may have been obtained from the former agents of state, in any other manner than by fair purchase, are

in the hands of the persons, bodies politic or corporate, so obtaining them, or in the hands of the persons, bodies politic or corporate, who may have been privy to or participant in any fraudulent or pretended purchase of bonds, or may have been privy to and participant in such obtaining of the bonds, or other securities of the state in any fraudulent manner whatever.

He may employ counsel.

SEC. 7. For the purpose of carrying into effect the intention of this act, the fund commissioner shall be, and he is hereby, authorized to employ counsel to enable him to act advisedly and effectually in the premises.

Shall have possession of ail books, &c.

SEC. S. That the fund commissioner shall have the possession of all the books, contracts, and papers of every description, now in the possession of the fund commissioners that may in any wise appertain to the business and duties hereby assigned him; and it shall be his duty in all cases, where the public service will permit, to fill all original contracts heretofore made, or which may hereafter be made, in the office of the fund commissioner in Indianapolis; and in all cases where the public service will not so permit, it shall be the duty of the said fund commissioner to file copies thereof, and it shall be the duty of the clerk in the office of the fund commissioner to record the same.

Shall deposit moneys received.

SEC. 9. It shall be the duty of the fund commissioner to deposit with the treasurer of state, or in some solvent specie paying bank in the city of New York, subject to the order of the treasurer, all moneys he may receive for the state, on any account whatever, which shall be by such treasurer drawn and disposed of according to law.

Shall report to governor.

Sec. 10. The fund commissioner shall annually by the first of November, and at such other times as he may be requested, make a full report to the governor of all his proceedings, which shall be laid before the general assembly by the governor, with his annual message.

Duty of clerk.

SEC. 11. It shall be the duty of the clerk in the office of the fund commissioner, to have all the contracts and reports specified in this, and all other necessary matters properly recorded, and the books of said office fully made up by the first day of November, 1841.

Fund commissioner in making sale of Europe.

SEC. 12. It shall be the duty of the said fund commissioner, and he is hereby authorized and required, when bonds may go to in his opinion the interest of the state would be promoted thereby, in making sale of such state bonds as may be authorized and directed by law, to proceed to Europe or to any place in the United States, and sell the same upon such terms and conditions as may be provided by law.

Bonds, how signed.

Sec. 13. That all state bonds hereafter sold by such fund commissioner, shall before the sale and delivery thereof,

be signed by the treasurer of state, and said fund commissioner, and by him numbered and registered in a book to be provided and kept for that purpose; commencing with the highest number of bonds heretofore sold, numbering the sterling and dollar bonds separately.

SEC. 14. It shall be the duty of said fund commissioner Fund commiss. within three months after the sale of any such state bonds, some shall reto report to the treasurer of state, the amount of such sale, amount of sales and the number of the bonds sold, noting the sterling and &c. dollar bonds separately, which said report shall be filed and recorded separately by the treasurer of state, in a

book provided for that purpose.

SEC. 15. It shall be the duty of the fund commissioner shall transmit to to transmit to the Auditor of state, a copy of any and all auditor copies contracts by him made in relation to the sale of state bonds, and in relation to the business of his office, within three months after the execution thereof, which the auditor shall file in his office, and shall record the same in a proper book provided for that purpose.

SEC. 16. It shall further be the duty of said fund com-shall make anmissioner, on the thirty-first day of October, annually, to nual report of make a detailed report of his proceedings and of the con-his proceedings. dition of the indebtedness of the state, together with such other matters as he may deem proper, to the treasurer of state, and shall at all times report to either branch of the general assembly and to the governor, such information as may be required of him, in relation to the business and duties of his office.

SEC. 17. The treasurer of state shall report to the gov-Treasurer shall ernor in his annual report, the number and amount of ernor. state bonds issued, and the number and amount reported by such fund commissioner as sold; and it shall also be the duty of the auditor of state, annually to report to the governor, in his annual report, a copy of any such contracts as may have been transmitted to him by the fund commissioner, which shall be laid before the general assembly, in the annual message of the governor.

Sec. 18. Said fund commissioner shall be allowed for Salary of fund his services, fifteen hundred dollars per annum, and his ne-commissioner.

cessary contingent expenses.

Sec. 19. It shall be the duty of the fund commissioner shall attend to to attend to the payment of the interest on the state debt, the payment of the attendance on state semi-annually as the same becomes due, according to the debt. provisions of an act of the present general assembly entitled "an act to regulate the receipt and disbursement of the internal improvement fund," approved, January 29th, 1841; and in case funds shall not be provided for that purpose by the state, it shall be lawful for said fund commissioner to procure the same, by a sale of state bonds, as may be

May sell bonds provided for by law, for the payment of interest on the and for redemp. public debt, and for the redemption of the treasury notes, tion of treasury and for the payment of the bank debt, and except for these purposes, no further bonds shall be sold or issued for any purpose whatever, any law to the contrary notwithstanding.

May continue hypothecation of bonds.

Sec. 20. The fund commissioner is hereby authorized, if in his opinion the interest of the state require it, to continue the hypothecation of the state bonds, which are now hypothecated.

Sec. 21. All laws and parts of laws creating or recognizing any fund commissioner or commissioners other than is hereby provided for, or that contravenes any of the provisions of this act, be, and the same are hereby repealed.

This act to take effect and be in force from and after its

passage.

CHAPTER CXXX.

An Act in relation to tolls upon the public works.

[APPROVED, FEBRUARY 2, 1841.]

Duty of toll gatherers on the public works.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the several toll gatherers in this state, may, and it is hereby made their duty, to make contracts and agreements with persons for payment of tolls quarterly, to be paid in all cases in advance, and in making such agreement, it shall be particularly stipulated what article or articles are to be passed upon such public work, and the person or persons entitled so to pass, shall not be permitted to pass said road with any other article or articles, than those stipulated for, without paying the usual tolls.

Sec. 2. Hereafter each and every person passing on pay toll from one any of the roads in this state, on which toll is authorized to be received, shall at each gate pay toll to the next gate, whether he or they intend or expect to pass to said second gate or not: Provided, however, That the provisions of this section shall not be taken to control the toll gatherers, in making contracts or agreements under the provisions of the first section hereof.

SEC. 3. This act to take effect and be in force from and after its passage.

to procure the same, his against of glate bonds, on rany be

CHAPTER CXXXI.

An Act repealing all laws now in force authorizing the sale of state bonds for internal improvements.

[APPROVED, FEBRUARY 13, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Laws for sale of State of Indiana, That all laws or parts of laws now in state bonds reforce in this state authorizing the sale of state bonds, for pealed. the purpose of prosecuting any part of the works enumerated in an act entitled, "an act to provide for a general system of internal improvements," approved January 27, 1836, be, and the same are hereby repealed.

SEC. 2. And be it further enacted, That this act shall take effect, and be in force from and after its passage.

CHAPTER CXXXII.

An Act to legalize and give effect to certain official acts of the late clerk of the Floyd circuit court.

[APPROVED, FEBRUARY 10, 1841.]

WHEREAS, it is represented that divers persons who were aliens and foreigners, did, between the dates of the first of March, 1819, and the 19th of March, 1822, both days inclusive, make their declarations of intention to become citizens of the United States, before the late clerk of the Floyd circuit court, in the state of Indiana, and that the said clerk recorded said declarations in his office, in a book kept for that purpose, and that it does not appear from the record made and kept as aforesaid, that the said persons took the oath prescribed by congress in such case; and it appearing further, that the said late clerk has departed this life, and that the original drafts of said declarations are lost or mislaid; Therefore-

Be it enacted by the General Assembly of the State Records, &c. le. of Indiana, That the said records and copies thereof shall galized. be read as evidence in all the courts of this state, in the same manner, and they shall have the same effect as though said records contained the evidence that the said

declarations were sworn to in due form, and shall be taken and esteemed as having been sworn to; and that all and every such declarant, if living, and if dead, their widows and heirs shall have and hold all lands, tenements, and hereditaments which he, she, or they shall have purchased in this state, after the date of their said declarations, respectively, in as full and ample a manner as though the same contained the evidence that the said declarations had been sworn to; and that the same shall be taken and read, and have the same effect as though sworn to according to the act of congress; and that all deeds and contracts of sale made by such aliens and foreigners, of any lands, tenements, and hereditaments by them acquired, respectively, after the date of the said declarations made as aforesaid, shall be effectual to pass the title to the same.

CHAPTER CXXXIII.

An Act to enforce the payment of tolls on the public works in Indiana.

[APPROVED, JANUARY 9, 1841.]

Toll gatherer's duty.

Penalty for in-

jury to gates,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of each and every toll gatherer upon the public works within this state to exact and receive toll from every person passing with or conveying property of any kind upon any of said works, according to the rates fixed by law, and it shall be his duty to seize and detain in his own custody, all articles on which tolls or expenses are chargeable, and the boat or vehicle containing them, until such toll or expenses shall be paid; and if such payment be refused, the toll gatherer shall distrain so much of the property so seized and detained as shall be sufficient to satisfy the same and charges thereon: and, at the expiration of five days, if such toll, expenses and charges shall remain unpaid, he shall expose to sale the property so distrained, at his usual place of receiving tolls, and shall sell the same at public auction to the highest bidder, returning the overplus of sale, if any, after paying said toll, expenses, and charges, to the owner of said property.

SEC. 2. And be it further enacted, That if any person or persons shall cut, break down, or otherwise injure or de-

stroy any gate, lock, bridge, mile-post, finger-board or any other of the public works of this state, or shall dig up or carry away any earth, gravel, stone or other material from any of the public highways, or otherwise damage the same; or shall forcibly pass or attempt to pass any place of paying and receiving toll, without having first paid or tendered legal toll, with intent to avoid the same, such person or persons shall forfeit and pay not less than five dollars, nor more than double the amount of the injury done, to be recovered of him by presentment or indictment in the county where such gate or place of receiving toll may lie; and if any person, with his or her horse, team, or Penalty for turncattle, shall turn out of any turnpike road in order to passing out to avoid any turnpike gate, with intent to avoid paying the toll, gate. and again enter on such road, such person shall forfeit and pay five times the amount of said toll, to be recovered before any justice of the peace of the proper county, by action of debt in the name of the state of Indiana and against the offender.

SEC. 3. This act to be in force from and after its pasage.

CHAPTER CXXXIV.

An Act to provide for the completion of that portion of the Crosscut canal which lies between the feeder dam and Terre Haute.

[APPROVED, JANUARY 30, 1841.]

SEC. 1. Be it enacted by the General Assembly of the Board of inter-State of Indiana, That the board of internal improvements nal improvebe, and they are hereby authorized to contract with tract, &c. Chauncey Rose, Thomas H. Blake, Lucius H. Scott, John Britton, William Wines, and Septer Patrick, and such other persons as may be associated with them, or any number of them, for the construction and completion of the unfinished portion of the Cross-cut canal from the feeder dam, in Clay county, to the Wabash river, at Terre Haute, according to the principles and estimates heretofore made and reported to said board by the engineer; the whole amount of such contract, for finishing and completing said canal, not to exceed eighty thousand To what dollars; the work done to be paid for on estimates by the amount. engineer, to be made every sixty days, while the work is progressing, but never to exceed three-fourths of the esti-

mates of the work done, and not to be for a less sum than five thousand dollars, until the work is finished, Payments, how when the whole amount shall be paid; the said payments to be made by the fund commissioners, on the draft of the board of internal improvements, in six per cent. bonds of the state, having thirty years to run, interest payable semi-annually; principal and interest payable in New York; the bonds to be taken by said persons at par, and the work to be paid for at estimated cash prices; Provided, That nothing in this act shall be so construed as to authorize the board of internal improvement to let the work to said company at a higher rate than could be let for cash.

Contractors and mortgages.

Proviso.

Sec. 2. Before said board of internal improvement shall give bonds shall enter into the said contract, the persons named in the first section, or any number of them, with their associates, shall first have delivered to the treasurer of state, bonds and mortgages, on unincumbered real estate, without perishable improvements, to the amount of sixty thousand dollars, to be executed by them to the state of Indiana, and approved by the governor and treasurer of state, conditioned for the prempt payment of the interest as it shall become due, on the bonds of the state delivered them on said contract, for a period of ten years: Provided, That the water rents upon said portion of the canal, between Terre Haute and the feeder dam, in Clay county, shall be applied to the payment of such interest so soon as the said canal shall be finished; but the excess of said water-rents, over and above said interest, if any, shall be paid into the treasury, as other tolls and rents.

Commissioners appointed, and their duties.

Proviso.

SEC. 3. And that the treasurer of state shall appoint three commissioners, who shall, under oath, proceed to value and appraise any lands which may be offered in mortgage, under the provisions of this act; and every valuation of such lands shall be signed by at least two of said commissioners; and the said commissioners shall be allowed one dollar per day to be paid by the company.

Canal to be finmonths.

SEC. 4. The said canal shall be completed in eighteen ished in eighteen callendar months from the date of said contract, with said individuals, and their associates, and when finished, shall be under the control and direction of the state in like manner, and in every respect the same as her other public works, except that the rents and tolls shall be the same as those charged upon the Wabash and Erie canal.

This act to be in force from and after its passage.

sugment to be made every sixly days, while the work is

CHAPTER CXXXV.

An Act supplementary to an act entitled "an act to provide for the completion of that portion of the Cross-cut canal, which lies between the feeder dam and Terre Haute," approved January 30, 1841.

[APPROVED, FEBRUARY 15, 1841.]

SEC. 1. Be it enacted by the General Assembly of the State Duties of board of Indiana, That the board of internal improvement, in of internal improvement, in provement. contracting with the persons designated in the first section of the above mentioned act, for the completion of that portion of the Cross-cut canal, lying between the feeder dam, in Clay county, and the Wabash river, at Terre Haute, be, and the same are hereby required, to construe the intent and meaning of the "finishing and completing said canal," alluded to in the said section of the act aforesaid to imply, that the said work shall be made navigable, finished with wooden locks, and all the requisite tumbles necessary for the complete construction of the said line; and also to embrace all expenses that may be required for superintendence, and all contingent expenses, usual in such work; and that said board, in taking the bonds and mortgages contained in the second section of said act, shall stipulate, in addition to the prompt payment of interest therein required, as part of the conditions of the said contract, that the said company shall keep the said canal in complete repair, and pay all costs for superintendence upon the said line for and during the term of ten years; and shall moreover be answerable to the lessees of the water-power for all damages resulting from any condition of the canal, which, without this obligation, the lessees might have in law or equity against the state: Provided, That the tolls accruing Proviso. upon the said portion of the canal between Terre Haute and the feeder dam, in Clay county, as well as the water rents upon the same, shall be applied to the payment of the various expenses referred to above, as well as to the interest upon the state bonds, paid the company; but the excess of such tolls and rents, if there be any, over and above said interest, damages, and expenses, shall be paid into the treasury, as other tolls and rents.

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JOINT RESOLUTIONS.

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CHAPTER I.

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A Joint Resolution on the subject of Michigan road lands.

[Approved, February 15, 1841.]

Secretary of state shall correct patents, &c.

Be it resolved by the General Assembly of the State of Indiana, That it shall be the duty of the secretary of state, as soon as practicable to have corrected any erroneous patent which may have been issued at any time from the office of the secretary of state to purchasers or assignees of certificates of purchase, for any Michigan road lands. In ascertaining whether the patent is erroneous or not, the secretary shall be governed by the original tract book, and register of sales made by the commissioner of the road; which books are now on file in the office of the secretary of state.

Shall open new register, &c.

Resolved further, That the secretary of state be, and he is hereby directed to open a new register of patents of Michigan road lands, so as to register said patents numerically, beginning at the lowest number, and leaving the appropriate space for numbers yet out, showing the date of the patent, its number, which shall correspond with the certificate, the date of the certificate, the name of the original purchaser, the name of the patentee, the description of the land, number of acres, with a column of remarks; and he shall carefully preserve the original certificate on which such patent is issued. He shall also provide similar registers of patents, for seminary and saline lands, the patents for which it is made [his duty] by a law of the present session of the general assembly to issue; for which he shall be allowed such amount as the next general assembly shall deem just and reasonable.

CHAPTER II.

A Joint resolution in relation to the affairs of the town of Indianapolis.

[APPROVED, FEBRUARY 15, 1841.]

Be it resolved by the General Assembly of the State rersons indebted of Indiana, That all persons indebted to the state of for lots in Indiana on account of the sale of any in or out lots in to treasurer. the town of Indianapolis, be, and they are hereby required to pay the same to the treasurer of state who shall give duplicate receipts for the same, one of which shall be filed in the office of the auditor of state who shall charge the same to the account of the treasurer, and the other shall be filed with the agent of state for the town of Indianapolis; which receipts shall be filed by the person receiving the same, and when so filed as aforesaid, he shall be entitled to a receipt from the agent for the amount receipted by the treasurer; and whenever any individual shall have paid in full the amount by him due for any one or more in or out lots, he shall be entitled to a good and sufficient title for the same.

CHAPTER III.

my office, and lound them correct, with the exception of the words included (thus, I missived to aid the some.

A Joint Resolution relative to the auditor of public accounts.

[APPROVED, FEBRUARY 13, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That in any case heretofore, and in all cases here-Auditor may after, when the auditor of public accounts may have employed, or may hereafter have to employ attorneys to prosecute the claims of the state, and when no specified allowance is already provided by law, the auditor shall pay for the services already rendered, such sum as he shall deem equitable and just for such services, and for services hereafter to be rendered, the auditor shall make a special agreement as to the fee to be paid, not to exceed what individuals should pay to attorneys for like services; and such claims shall, if just, be audited out of the proper fund, by the auditor, and paid by the treasurer.

CHAPTER IV.

A Joint Resolution on the subject of the State Bank of Indiana.

[APPROVED, FEBRUARY 4, 1841.]

Be it resolved by the General Assembly of the State of Indiana, That the officers of the state bank of Indiana, be required to report to the next general assembly of the state of Indiana, the number of notes and bills discounted, and the amount of such discounts made by each branch of said bank to persons who are not residents of the counties where said branches may be located.

Office of Secretary of State,
Indianapolis, 23d March, 1841.

Indiana, to-wit:

I do certify, that I have compared the foregoing printed acts and joint resolutions with the original rolls on file in my office, and found them correct, with the exception of the words included [thus,] inserted to aid the sense.

WILLIAM SHEETS,

Secretary of State.

AUDITOR'S REPORT.

Auditor's Office, Nov. 15, 1841.

To the Honorable Speaker of the House of Representatives, and President of the Senate:

Gentlemen—Herewith I have the honor, in obedience to "an act concerning the auditor of public accounts and treasurer of state," to submit my annual report for the financial year 1840, which you will please lay before the respective branches of the general assembly over which you preside.

Document No. 1, is an exhibit of the amount of receipts and expenditures from the 31st of October, 1839, to the 31st of October, 1840. The receipts, it will be seen, amount to \$1,694,158 13, and the expenditures to \$1,684,936 90, showing a balance in the treasury on the 31st of October, 1840, (provided all warrants audited to that date are paid) the sum of \$9,221 23.

Document No. 2, is a statement in tabular form, of the assessments of revenue in each county for 1840. This shows the number of polls, quantity of land, value of lands and improvements, value of town lots, corporation stock, personal property, and the total valuation of all taxables; also the amount assessed thereon at the rate of 15 cents on the one hundred dollars value thereof, for 1840. To this is added, with a view to comparison, columns showing the assessment for 1839, and giving the increase or decrease, as the case may be, of the value of the taxable property in each county, from 1839 to 1840: and a like comparison as regards the number of taxable polls for the same period. It will be seen by this table, that the number of polls assessed in the state for 1840, is 100,166, leaving the counties of Benton, Dubois, and Monroe out, from which no returns have, as yet, been received. The number of polls assessed for 1839, is 94,197, showing an increase of 5,969 taxable polls in 1840. Some of the counties show a decrease of polls since 1839, but this is accounted for by the removal of the laborers on the public works, in those counties, previous to the assessment for 1840 being made.

The number of acres of land assessed for 1840, is 8,273,120, valued at \$58,341,992. The number of acres assessed in 1839, is 7,475,320, valued at \$65,954,879, showing a decrease in the value of the taxable lands of the state, from May 1839 to May 1840, of \$14,650,064, and this too with the increase of 797,800 acres, taxable for the first time in 1840. Had the lands sustained their valuation of 1839, instead of \$58,343,992, their present valuation, they would have amounted to \$72,994,056.

The valuation of all town lots amounts to 12,503,519 dollars. That of 1839 was 14,676,372 dollars, showing a decrease of value, notwithstanding the buildings erected in 1840, of 2,172,853 dollars.

The valuation of corporation stock amounts to 1,168,342 dollars; last year 869,630, showing an increase, in this item, of 298,712.

The valuation of all personal property for 1840 amounts to 19, 740,166 dollars, that of 1839 is 23,687,534 dollars, showing a decrease

in the value of personal property of 3,947,368.

The total value of all taxable property, both real and personal, for 1840 is 91,756,018 dollars. The total value last year 107,037,715 dollars; decrease since 1839, 15,281,696 dollars, to which should be added, in order to show the actual decrease in value of taxable property from 1839 to 1840, the valuation of the additional lands taxable for the first time in 1840, being 797,800 acres at \$7 05 per acre, amounting to 5,624,490 dollars, which, added to the 15,281,696 dollars, make 20,906,186 dollars, which is near the true amount of decrease of valuation of the property of the state from May 1839 to May 1840, which, to each tax payer, is an average loss of \$208 75 in the value of property from 1839 to 1840.

The total amount of state revenue assessed on lands, property and

polls for 1840 amounts to \$192,786 97.

The assessments for 1839 amounted to \$363,688 08, showing a

decrease in the assessments this year of \$170,901 11;

Statement No. 3, exhibits the number of acres of land assessed in each county, the valuation thereof and the average price per acre for the years 1839 and '40. The object of this table is more particularly to show that counties similarly situated as to soil, advantage of public works or otherwise, vary widely in their valuation, and that no fixed or certain rule obtains as to the valuation of lands in most of the counties. The practice is generally to ask the owner as to the value of his farm, instead of the assessor fixing it himself from actual inspection, as the law requires. If this radical defect is ever remedied it can only be done by a state board of equalization. This subject has been repeatedly brought to the notice of the general assembly, and is again noticed with a hope that it will receive that attention which its importance merits.

Statement No. 4, exhibits the total valuation of all taxable property, the amount assessed for internal improvements, and the average amount assessed to each tax payer, in each county, for the year 1840, for internal improvement purposes alone. By this table it will be seen, that the value of all taxable property for 1840 is

91,756,019 dollars. One third of this amount is set apart for internal improvement purposes, making the sum of 45,878 as the amount assessed for this object alone.

The number of polls taxable for 1840 is 100,166 dollars, and the average amount paid by each tax payer in the state, for internal improvement purposes this year is 36 3-5 cents. Last year the amount paid was \$2 69½ to each poll. From the amount assessed there should be deducted about 20 per cent., the probable amount of expenses of collection, delinquencies, &c., which, deducted from 45,878 dollars, will leave the sum of 36,722 40 as the probable amount to

be realized for internal improvement purposes for 1840.

Statement No. 5, exhibits the estimated quantity of land in the state to which the Indian title is extinguished, (except that part recently purchased in the Great Miami Reserve) the quantity sold and the quantity remaining unsold, up to the 30th September, 1839, as per report of commissioner of general land office; also the quantity assessed for taxation in 1840, the quantity which should have been taxed for 1840, the quantity neglected or omitted to be taxed for 1840, the value of unassessed though taxable lands in 1840 at the average price per acre of \$7 05, and also the amount of taxes lost on lands alone by reason of negligence of assessors or by reason of

the present inefficient revenue laws.

By this table it will be seen that the estimated quantity of land in the state to which the Indian title is extinguished, (Miami Reserve excepted) is 20,457,394 acres. The quantity of land sold up to the 30th September 1839, is 15,061,620 acres. The quantity remaining unsold is 5,395,774 acres. The quantity of land taxed in 1840 is 8,273,-120. The quantity of land taxable in 1840 is 10,509,026 acres. The quantity of land therefore which escaped taxation is 2,235,906 acres. The value of these lands at the average price per acre throughout the state for this year is \$15,763,137, and the loss in taxes for this year at the low rate of 15 cents on the \$100, amounts to \$23,644. I know of no way of bringing this subject more forcibly to the notice of the general assembly than the one I have adopted. I have repeated it for several years past, with a hope that it would receive that attention which its importance so imperiously demands. Nothing short of a revision of the present revenue law, with the introduction of many new features will render it efficient, and ensure the collection of taxes on all property.

Statement No. 6, is an exhibit of the amount which has been realized by taxation for internal improvements during the years 1837, '38, '39 and '40. Also the average amount paid by each tax payer, during these years, for internal improvement purposes alone.

By this it will be seen, that in 1837 there was raised by taxation for internal improvement purposes 40,000 dollars, there having been that year 82,921 polls, makes the average to each 484 cents. In 1838 there was raised 38,000 dollars, which is an average to each tax payer of 42½ cents.

In 1839 the number of taxable polls was 94,197, and the amount realized from taxation 263,116 dollars. The average amount paid by each tax payer for internal improvements, was \$2 76.

The probable amount to be realized by taxation for 1840 for internal improvement purposes is 36,722 dollars, making the average amount

to each tax payer 36 3-5 cents.

Also, it will be seen by this table, that the average amount paid by each tax payer, from the commencement of the internal improvement system, to and including 1840 is \$1 03 3-5 cents for internal improvements, and the whole amount paid for internal improvements is 377, 838 dollars. This, however, is exclusive of the expenses of issuing treasury notes and the amount paid in treasury notes to contractors on public works, which will be found in table No. 1.

Statement No. 7, is an exhibit of the whole cost of the state prison, the amount paid for transportation of convicts, for agents and visiters, and the amount received for rents from its first erection to 31st

October 1840.

By this it will be seen that the whole cost of every kind amounts to 47,209 dollars 51 cents, and the whole amount of receipts 21,725 dollars, leaving a balance against the prison, including outstanding debts, of 27,793 dollars 50 cents.

INTERNAL IMPROVEMENTS.

In addition to the foregoing, the auditor herewith submits the following statements in relation to the receipts and expenditures of the public works from their commencement to the 30th November 1839, (the date of the last report of the board of internal improvements to this office,) which statements are numbered from 8 to 20.

Statement No. 8, is an exhibit of the total cost of the Wabash and Erie canal, and the amount received from that source. The total cost of this work, as it appears from this table, is 1,747,106 dollars 78 cents.

The total of receipts amount to 306,261 dollars 44 cents.

The total number of acres of Wabash and Erie canal lands sold is 261,247.68 acres. The amount for which they sold is 552,655 dollars 64 cents. The balance due and bearing six per cent. interest is 370,-384 dollars 7 cents.

The total amount of interest received is 112,943 dollars 90 cents, and the total amount received from lands 181,571 dollars 57 cents. which, added together, make the total amount received from canal lands 294,515 dollars 47 cents. The average price at which canal lands have sold is \$2 11 5-8 per acre.

Statement No. 9, is an exhibit of the cost of the Wabash canal. By this it will be seen that the whole cost amounts to 292,559 dol-

lars 57 cents.

Statement No. 10, is an exhibit of the whole cost of the Eel river cross-cut canal. This work, it will appear, has cost the sum of 305,-061 dollars 79 cents.

Statement No. 11, is an exhibit of the whole cost of the White

Water canal, by which it appears that it has cost 831,321 dollars 67 cents.

Statement No. 12, is an exhibit of the whole cost of the Erie and Michigan canal; by which it appears that this work has cost 57,301 dollars 86 cents.

Statement No. 13, is an exhibit of the whole cost of the Madison and Indianapolis rail road, by which it appears to have cost 1,114,416 dollars 50 cents.

Statement No. 14, is an exhibit of the whole cost of the Lafavette and Indianapolis McAdamized road. Its cost, it will be seen, is 44,-319 dollars 80 cents.

Statement No. 15, is an exhibit of the whole cost of the Jeffersonville and Crawfordsville McAdamized road. The whole cost, it will be seen, is 270,196 dollars 68 cents.

Statement No. 16, is an exhibit of the whole cost of the New Albany and Vincennes McAdamized road. Its cost is 441,163 dollars 4

Statement No. 17, is an exhibit of the whole cost of the improvements at the Grand rapids. The amount expended is 8,902 dollars 90 cents.

Statement No. 18, is an exhibit of the whole cost of the Central canal. By this it appears that the northern and Indianapolis division extending from the Wabash and Erie canal to Martinsville) has cost 667,400 dollars 96 cents; and the southern division (from Martinsville to Evansville) has cost 851,669 dollars 56 cents.

The whole cost of both divisions 1,493,980 dollars 81 cents.

Statement No. 19, is an exhibit of the amount paid for general contingencies properly chargeable to the whole system and not to any particular work. By this it appears that the amount thus expended is 32,472 dollars 45 cents.

Statement No. 20, is a recapitulation of the whole cost of all the public works up to 30th November 1839. By this it will be seen, that the whole cost, including the Wabash and Erie canal, is 6,638,-803 dollars 55 cents, and that the amount of receipts (exclusive of the tolls of the White Water canal and Madison and Indianapolis rail road and rents for water power, no account of which has been furnished this office) is 306,261 dollars 44 cents, per statement No. 8.

It is respectfully suggested, that all receipts and expenditures, on account of our public works, should be made to pass through the books of the fund commissioners and the books of the auditor and treasurer. Such is not the present organization. The plan is not only feasible, but would contribute much to simplify the reports of all the officers.

All of which is respectfully submitted.

MORRIS MORRIS, A. P. A.

No. 1.

A STATEMENT of the receipts and expenditures on account of the state of Indiana, from the 1st day of Nov. 1839, to 31st of October, 1840, (both inclusive) made in pursuance of "an act concerning the auditor of public accounts and treasurer of state."

RECEIPTS.

00 0 20 0 27 0 017 7 610 0 077 0	00 02 - 313,547 79 03 09 - 8,504	
27 0 017 7 010 0	92 - 313,547 79 93 99 - 8,504	
017 7 010 0	- 313,547 (9 03 09 - 8,504	
10 0	79 03 09 — 8,504	
10 0	03 09 - 8,504	91
10 0	03 09 - 8,504	91
	9 8,504	91
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3 2	23	
01 7	5	
00 0	0 (4)	E W
10.08	_ 18,304	98
190,0		
93 9		
32 8		Ten
	27,616	77
212 7		
11 0		
34 0		12
W Sit	1,209,000	00
W Sit	#1 co4 150	12
		$ \begin{array}{c} 394 \ 32 \\ \hline $

EXPENDITURES.

Since the first of November, 1839, there have been audited claims against the state, as follows:
For public printing, stationery, distri-

buting laws, &c. - - \$12,457 81

For expenditures of last general assembly, - - - 45,052 17

5,052 17 \$57,509 98

-		
For salaries of executive officers,	3,850 00	******
For salaries of prosecuting attorneys	1,725 66	atour Aire
For salaries of supreme and circuit	ds ed liv Trev	ments of thi
judges, judges,	10 212 50	bable amoun
For salaries of probate judges,	16,313 53	
For salaries of adjutant and quarter-	3,765 00	nt bus (1000
master generals,	tion of the to 1	BOUNDAMIN.
master generals,	125 00	duning of a
Powers of the state of the stat	GRAIGIN .	25,779 19
For expenses of state house, -	1,101 87	The same of the same
For expenses of state library,	400 00	
For expenses of state prison,	19,651 69	
For expenses of Michigan road,	100 00	
	100 00	01 050 50
On account of specific appropriations,	6,251 97	21,253 56
On account of wolf scalps		7577 760 11
On account of estates claimed by heirs,	78 50	(19) 村屋
On account of contingent expenses, -	130 00	
of contingent expenses, -	571 09	
On account of seat of government,		7,131 56
On account of reilitie f	262 62	
On account of militia fines, (con.) distributed,		
On second C 1:	21 00	The Name of Street, St
On account of saline lands,	240 45	
On account of state university expen.,	4,923 63	
		5,447 70
On account of internal improvement,	all hat a different	0,111 10
as iollows:—		
For payment of int'st on state bonds,	263,116 93	
For expenses of issuing treasury notes,	5,292 76	
For treasury notes delivered to treas'r.	1 000 000 00	47
denvered to treas r.	1,289,000 00	
On account of loans of state university	1,	557,409 69
fund, -	harp the second	
On account of saline fund,	2,335 00	
On account of saline lund,	2,550 00	
On account of mortgaged lands unsold		
for treasury loans,	3,696 06	
On account of revenue for 1838, re-	To the Holland	
lunded,	1,121 80	
On account of revenue for 1839, re-	t have	
funded,	702 36	
F. GOLDLY,		10 405 99
More of the designation of the design of the	ONDON	10,405 22
Making the total amount of expenditures,	#10	24 020 00
To which add the balance in the treasury	- \$1,0°	84,936 90
on this day, provided all warrants aud-	NAME OF THE PARTY OF	
ited were paid,		
para,	And the second	9,221 23
	The state of the s	
30	\$1,69	94,158 13

The probable amount of revenue to be derived from the assessments of this year, will be about \$160,000. From this take the probable amount to be set apart for internal improvement purposes (\$40,-000,) and there will be left for the ordinary expenses of the state, \$120,000, all of which may be paid in treasury notes of the denomination of \$5, and if so paid, must leave the treasury empty. MORRIS MORRIS, Auditor of Public Acc'ts.

On account of scattor government, aboars against 25 00 00 decount of sulfits mas, (con.) will again to 1 00 00, necount of salike lands.

On account of interval improvements very destination of as felions as felions in the state bends, the payment of interval on state bends, 116 93.

on account of side university expen-

TREASURER'S OFFICE, Indianapolis, 31st October, 1840.

The treasurer of state, in obedience to the directions of the "act concerning the auditor of public accounts and treasurer of state," submits the following report of the receipts and expenditures of the state, and the operation of the loan office, &c., from the 1st November, 1839, to the 31st October, 1840, both inclusive.

RECEIPTS.

There was a balance remaining in the treasury			dorq 30 v	Pay
on the close of the last financial year, of Receipts during the fiscal year from revenue	DESTRUCTION	HAD to be	30,466	32
of 1837,	Name of	Carponic S	100	00
1838,	a bine	Dita	20	the Same
1839,	oties	DO B	313,427	
From sale of lots at Indianapolis,	en une	SIRI F	4,017	
" rents of state prison,	ni me	ou.v	18,100	
" estates without known heirs,	le mai	TOTAL S		23
" incidental sources,	.tition	GET I	201	
" interest on treasury loans,		e Tri	111	Total Control of the
" treasury loans refunded,	MATINE	EO F	18,493	
" sale of mortgaged lands,	in Co	burs.	6,932	
" treasury notes issued for internal im-	61/18	gar	de sumer	Re
provements,	der e	- 1	,289,000	00
From commissioners of reserve township in Gibson county, 2, From refunded loans, 2,	,710 800 ,190 ,212	00	8,912	78
From commissioners of saline lands in Monroe county, From commissioners of saline lands in Washington county,	,598 166 212 ,394	40 10	the sould be a sould be sould be a sould be	led led led join
the serior versions and the serior restriction of the serior of the seri		@1	,694,158	13
to pool of the land and the land of the la		Ψ1	,004,100	10

EXPENDITURES.

/ Old Todolo Back Molecular Francisco	toke little pro-
The expenditures during the same period, have been:	The treas
Pay and mileage of members of the Legisla-	78 50 3,765 00 3,850 00 16,313 53 1,725 66 125 00 1,101 87 19,651 69 400 00 100 00 262 62 130 00
Revenue of 1830, refunded, was - to be - to be -	1,121 80
Revenue of 1839 refunded,	21 00
The disbursements on account of the college branch of the loan office, have been: Payments on account of Indiana university, including incidental expenses of loan office, 4,923 63 Loans of college fund, 2,335 00	the loan commission co
Payments and liabilities on account of saline fund subject to the loan office laws, are: Saline fund expenses, 240 45 Loans of saline fund.	From interest
Balance on hand October 31st, 1840,	9 790 45
(Note.—Warrant No. 4087 outstanding.) The foregoing tables show that the payments into the ring the fiscal year 1840, (up to the 31st October.) includes, amounted to \$1.694.158 13, and that the distance of the results of the resul	e treasury du-

notes, amounted to \$1,694,158 13, and that the disbursements during the same period, have been (including also treasury notes paid over to fund commissioners) \$1,684,929 04, leaving a balance in the treasury on the 1st November, 1840, of \$9,229 09.

N. B. PALMER, Treasurer of State.

Maria Caracter and Alberta Alberta Caracter and Alberta Caracter and Alberta Caracter and Alberta Alberta Caracter and Alberta Caracter and Alberta Alberta	A I have be into the in some - the same
becomes and which the state of	ACCECCOR COUNTRY
Q- a mai mamma and	ASSESSOR, COUNTY.
AGRICULTURAL SOCIETIES.	When and by whom elected, term of
OF SEAL CONTRACTOR AND ADDRESS OF THE ABOVE	service, &c., - 25 Shall give bond and take oath, - 25
May hold semi-annual sales,	Shall give bond and take oath, - 25 Vacancy, how filed, - 25
and semi-amual sales,	May appoint deputies, who shall
AMALGAMATION.	also take oath and give bond 26
	Penalty for neglect of duty 26
Part of act prohibiting amalgama- tion of whites and blacks, repeal-	Shall keep account of services, and
ed, 128	present it under oath, 26
CARD OF HALESNAL IMEBOAR	Cuit - 20
APPORTIONMENT.	Suit may be instituted on bond, - 26 Shall list and value all personal pro-
Of Senators and Representatives in	
the General Assembly, 4	00
and the second of the second o	Shall take list of lands, lots, &c.,
APPRAISERS, COUNTY.	and when, - 37
Shall be appointed by county board,	Description of list, - 37
Vacancies, how filled,	1 Joint property, now listen 37
Assistant may be appointed.	Blist Con I will may make out
Shall give bond and security.	1 Hot Hoth best Information - 30
Office vacated on failure to give	Remedy where owners of property refuse to give list,
bond, &c.	Shall annually make a true valua-
Shall list and appraise all real es-	tion of all property 38 30
tate in his county, subject to tax-	Duty of, in relation to Wabash and
Shall call upon owners of land, &c.	Erie canal lands 44
	Duty of, in regard to school funds
Duty of, where owners fail to furn-	Terry county,
ish list,	Of Dubois county, shall assess tax for 1839,
His rule for determining the quan-	101 1039, 199
tity of land,	ASTRAYS AND WATER CRAFT
Shall mark on his map name of	ADRIET
Shall inform owners of property as	Act regulating the taking up, - 171
	A HIDIMOD
Shall make out and deliver to audi-	AUDITOR, COUNTY.
tor abstract, -	D
Compensation, -	lots, 1 6
May be appointed at any regular	Shall give notice to special hoard of
	equalization, of time and place of
The Sandon Constant about 1	meeting,
APPROPRIATIONS.	Shall furnish them with abstract
General, for 1841, 166	made out by appraiser, - 7 Shall make out general abstract and
Specific, for 1841,	forward to auditor of state,
	- 7

May call special session of county	BOARD OF EQUALIZATION,		Duty of clerk of Grant county, - 188
board 9	COUNTY.	Shall decide whether Surplus Revenue shall be vested in bank stock, 195	Certain acts of clerk of Floyd county legalized, 219
Tow elected, term of service, &c., 10 (Of whom composed, and their du-	nde shall be vested in bank stock, 139	ry legalized, 219
Shall give bond and take oath, - 10	ties.	BOATS, SEIZURE OF.	COURTS, CIRCUIT.
Suit may be instituted on bond, - 10 s	Shall meet annually on the 1st Mon-	Act amendatory to, - 127	Times of holding in first circuit, - 97
His office vacates on failure to give	day of June, to hear and deter-	Alexander of the Alexander was	Provision where courts clash,
bond, 10 Vancancy, how filled, 11	mine complaints, - 40	BOUNDARY LINE.	Process, how returnable, 93
May administer oath or affimation, 11	BOARD OF EQUALIZATION,	Between Clark and Floyd counties,	Times of holding in fourth circuit, 99
Shall be clerk to board doing county	SPECIAL.	authorized to be defined, - 147	Process, - 100
business 11	Of whom composed.	Commissioners appointed, their du-	Times of holding in sixth circuit,
Shall on going out of office, deliver	Their duties,	ties, compensation. &c., - 148	Process, 101 Times of holding in Decatur county
up books, &c. to successor, - 11	Compensation, 9	Transaction of the property of the state of	Times of holding in the eighth ju-
Shall keep an account cultent with	CAGRICULTURAL SOCIETURS	BRANCH BANKS.	dicial circuit,
the treasurer,	BOARD OF EQUALIZATION,	Directors of, shall transmit to au-	Pending proceedings, 102
Further duties of, 12-24 Penalty for failure to perform cer-	STATE.	ditor of state amount of individ-	Further provisions in regard to 8th
tain duties 15	How elected or appointed, - 8	ual stock owned in each, - 46	circuit, - 19 ave - straight both earlight
Shall give notice of road tax, - 16	Vacancies in, how filled,	Penalty for failure to do so, - 46 Cashiers of shall deduct tax out of	Times of holding in ninth circuit, - 103
Shall keep accounts with supervi-	Their duties, 8	dividends, 47	Return of process, 104
sors of roads and county officers, 17	Members of, appointed, - 45	they go to Language and the second of the se	Special term for Laporte county, - Length of special term, &c., - 105
Shall annually make out delinquent	TO OF IMPROVE	C	Duty of clerk in regard to special
list, record it, and publish it, - 17 Shall sell land for non-payment of	BOARD OF INTERNAL IMPROVE- MENTS.	Single page states on state dodg ?	term,
taxes, when and where,		COLLECTORS.	Criminals may be tried if they de-
Further duties in regard to sale, 19-22	Shall give bond with security, - 201 Manner of making payments,	Shall not speculate in treasury	sire it, show that - spirit - spirit -
Shall make deed to purchaser, 19, 23	Shall appoint superintendents, &c.,	notes, 123	Times of holding in Madison coun-
His fees 23	Shall appoint collectors of toll, &c. 212	Of Spencer and Cass county, shall	ty, and length of term, - 106
Shall cause sint to be instituted	S. ALLEY AND CO. CANADA AND CO.	collect unpaid tax, 181	Times of holding in third circuit, - 107 Special term of in Putnam county, - 108
against treasurer in certain cases, 32	BOARD DO!NG COUNTY	U (N Bit At A A A A A A A A A A A A A A A A A	Additional term of in Delaware co. 109
16 Sept. 19 19 19 19 19 19 19 19 19 19 19 19 19	BUSINESS.	COMMISSIONERS OF SINKING	Traditional term of in Delaward Co. 100
AUDITOR, STATE.	Shall appoint county appraiser, - 3	FUND.	COURTS, PROBATE.
	Shall constitute part of special board	Duties of, - 192, 194, 202, 203	In Marion, when held, 119
Shari make out forms for	of equalization.	MANUAL CONTRACTOR OF THE PARTY	Judge of may issue writs of habeas
ditors, - 22 Shall make his annual report to the	Shall constitute part of county board	CONTRACTORS.	corpus, 129
1941	of equalization, - same of an all of a long	Certificates given to, on Wabash	In Fayette county, when held, - 179
Bovernor, and a second second	Compensation, - 17 office Stc 28	and Erie canal, receivable for ca-	Time of holding in Daviess county
His duty in regard to internal im-	Shall examine treasurer's office, &c. 28	nai lands, 200	changed, 189
provement fund, 212	Shall grant licenses for various purposes, 40-42	The second of the second secon	Acts of judge of in Kosciusko county legalized - 199
Of Dulants country shadl negative to		COUNTY BUSINESS.	ty legalized 199
gel B GREL 191	conce Are in the second and the seco	Commissioners may hold their	CRIME AND PUNISHMENT.
The state of the s	Chall together with the Cierk and	courts in the clerk's offices, - 114	Act relative to, amended, - 155, 184
BANK DEBT.	aggeger ascertain What lands		Minors, how punished, - 184
State bonds to be executed and de-	escaped taxation in 1840, and as-	COUNTY CLERK.	Malicious trespass,
livered in payment of, 199	sess a tax on it, - 48	Shall continue to discharge duties	Perjury, 185
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